

**Fiji Access to Justice Project**

**Contract Number: FED/2016/378-171**

**Mid-Term Evaluation**

***Final Report***

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# Acronyms

|  |  |
| --- | --- |
| ACP | Africa, Caribbean and Pacific Countries |
| CSO | Civil Society Organization |
| EP | Empower Pacific |
| EU | European Union |
| FA2J | Fiji Access to Justice Project |
| FDPF | Fiji Disable People’s Federation |
| HRADC | Human Rights and Anti-Discrimination Commission |
| JD | Judicial Department |
| LAC | Legal Aid Commission |
| MSP | Medical Services Pacific |
| NGO | Non-Governmental Organization |
| SDGs | Sustainable Development Goals |
| UNDP | United Nations Development Programme |
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# Executive Summary

The Fiji Access to Justice Project (FA2J) started on 4 July 2016 with the two-part goal of: 1) empowering impoverished and vulnerable populations to access their rights, and 2) improving the institutional capacity of “key duty-bearers” to deliver justice services.[[1]](#footnote-1) This goal was interpreted through four defined outputs covering technical capacity in the Legal Aid Commission (LAC) and Judicial Department (JD), planning and administrative capacity in the LAC and JD, and the capacity of CSOs to deliver accompaniment services.[[2]](#footnote-2) The definition of impoverished and vulnerable populations in the context of Fiji was left for clarification following an initial period of programming that would include an assessment.

This Mid-Term Evaluation (MTE) covers the period from 11 July 2016 to 31 March 2019, at which point approximately USD 4,269,116 had been expended from the project budget. The MTE is a scheduled contribution to the project’s Monitoring and Evaluation (M&E) plan. The methodology included desk research and meetings with 25 people from nine organizations in Suva and Labasa, Fiji consulted between 24 April – 9 May 2019 (Annex 5).

FA2J has been implemented in a period with strong governmental policy and financial support, and both the LAC and JD have expanded the reach and nature of their services dramatically. In 2015, the Legal Aid Commission (LAC) provided advisory services to 16,813 clients.[[3]](#footnote-3) By 2018, the number of clients had increased to 26,725 for advisory services, and 1823 for “First Hour” support.[[4]](#footnote-4) As of 2016, only 2% of those applying for free legal services from the LAC were declined support based on either the means (earning less than FJD 15,000) or merit tests.[[5]](#footnote-5) During the same period, concerted efforts by government and civil society actors in line with recent legislation led to an 83% increase in Domestic Violence Restraining Orders (DVRO) filings in Family and Criminal Courts.[[6]](#footnote-6) The Judicial Department has also increased support to alternative dispute mechanisms through the opening of a Mediation Centre in Suva (2015) and the provision of counselling services, which increased delivery of services from 1141 cases in 2012 to 2070 cases in 2017.[[7]](#footnote-7) By 2018 the number of Magistrate Courts had increased to 36, with LAC ensuring the availability of legal representation at all sittings.[[8]](#footnote-8)

Output milestones established for the FA2J, however, have not been met during the first half of the project’s planned implementation. There were several underlying factors found to contribute to challenges with realizing FA2J targets. First, initial time frames for complex deliverables were overly ambitious. Deliverables such as case management systems are typically multi-year endeavours, and others, such as the digitization of case records, have been a challenge in the Pacific for decades. As progress with these deliverables moved slower than projected, there was a cascading effect on dependent products and tools. Secondly, while progress and challenges at the activity level were well documented, the challenges were not addressed through approved contingency arrangements documented in workplans and reflected in updated monitoring and evaluation (M&E) frameworks. Third, initial arrangements for the PB accommodated a political environment that did not allow for a clear engagement with CSOs, a key target defined in project documentation. This arrangement limited the focus on rights holders during the MTE period, however relationships established in 2018 with CSO grantees can provide a foundation for strong progress in the second half of the project. Details on these underlying factors and how they impacted progress are provided in the MTE Conclusions. Options for building on progress and addressing challenges are provided in the MTE Recommendations and related Annexes.

### Conclusions

1. While government support is strong, as demonstrated by the National Development Plan and partner affirmations of consistent budget support, external assistance is warranted and timely as the level of demand challenges historic systems and structures in both scope and complexity.[[9]](#footnote-9) International support to access to justice issues can assist partners in identifying and addressing gaps collaboratively. External reviewers also endorsed the thematic relevance of programming to improve access to justice in Fiji.[[10]](#footnote-10)
2. Partners use different terminology in the foundation M&E frameworks for FA2J. In order to explore this issue for the MTE, the comparative table attached as Annex 6 was prepared. For the most part, recognizing that UNDP’s “Activity Results” are equivalent to outputs, e.g. the result of an activity, and that the “Outputs” in UNDP’s framework are in fact medium-term outcomes resolves most of the confusion without disrupting the logic or implied timeframes of the Theory of Change.
3. Partner and project needs require a collaborative refinement of FA2J indicators; this process was anticipated by both the Financing Agreement and the Project Document, but delays to key products appear to have contributed to delays to the periodic review of indicators for relevance and accuracy.[[11]](#footnote-11) The work of FA2J, including the substantial engagement of HiiL in the drafting of the Assessment of Access to Justice in Fiji report, government partners that have developed internal data collection systems which informed recent reports, and civil society partners provides a foundation for clarifying FA2J target vulnerable populations as people with disabilities, women, and the poor living in informal settlements and rural areas.[[12]](#footnote-12) New relationships with CSOs allows for targets to be considered in coordination with representatives of beneficiaries as well as duty-bearers and other partners.
4. The MTE suggests that the PB has not evolved sufficiently to manage the complex substantive, administrative, and collaboration needs of the project in a manner that will contribute to sustainability. Exemplary leadership and personal commitments at the policy level have generated institutional progress during the MTE period. This commitment needs to be supported by working level structures that maintain momentum for project activities in between policy-level meetings by jointly implementing against PB targets and maintaining the flow of information to senior board members within each member institution.
5. The products necessary to support partner strategic planning cycles, including strategic plans linked to the government national development plan, annual plans and budgets, and mandatory public reporting require urgent attention in order to foster sustainability, support partners in evolving into expanded roles and geographic reach, and contribute to sector collaboration through the provision of publicly available data in a manner that accommodates partner resources.
6. The FA2J management output includes communication and visibility targets. Activities under this output have focused on awareness of project activities and have been the primary focus of the FA2J staff dedicated to communication issues. MTE interviews with the LAC, Judicial Department and three CSOs selected for grants in 2018 confirmed that all partners are developing outreach materials. In light of the confirmation of the importance of aligning outreach messaging on rights and services by assessments completed in 2018, it is timely for FA2J to dedicate communication resources to supporting jointly agreed materials between partners.[[13]](#footnote-13)
7. The MTE identified interest in a wider rule of law or sector coordination mechanism that builds on the healthy and productive ad hoc linkages between justice sector actors in Fiji. [[14]](#footnote-14) Both the Financing Agreement and Project Document identify the growth of a sector-wide coordination network as a potential result of FA2J. Such a coordination mechanism has ad hoc precursors reported within the sector, and it may be a timely consideration for partners to include such engagement in their finalisation of strategic plans. Such a coordination mechanism should carefully consider the importance of maintaining the independence of the judiciary and Fiji’s independent institutions, such as the LAC and the HRADC. The coordination mechanism should also be considered as an output separate from the FA2J Project Board functions in order to ensure that FA2J maintains its focus on defined targets.
8. The MTE identified a desire amongst partners for increased coordination between UN agencies, and between UN agencies and external partners. The UN launched a mechanism to support these levels of coordination in 2018 following the release of the United Nations Pacific Strategy 2018-2022. In addition, interviews highlighted a need for further clarification of the distinct FA2J role within the UNDP rule of law portfolio. FA2J benefitted from the solid foundation provided by other projects and shared staffing arrangements, however moving forward the distinct target populations identified for FA2J and technical services, such as accompaniment, will require a more narrow focus to outreach and CSO support efforts while still supporting collaboration within the portfolio when possible.
9. Several factors identified during the MTE suggest that renewed attention to gender elements of FA2J will be beneficial: duty bearers on the PB have developed or supported gender-focused elements within their institutions; the National Development Plan directly targets the role of women in development and the challenge of GBV; the UN’s Regional Strategy provides an avenue for FA2J to benefit from contributions from other UN agencies via the Outcome 2 (Gender Equality) group; FA2J has engaged as grantees two CSOs with a gender focus and one CSO that has expressed a gender element to their work with people with disabilities; the FWRM’s EU-funded Balancing the Scales assessment of women’s access to justice in Fiji was completed in 2018; and project partners expressed an openness to CSO engagement in the PB during MTE interviews.

### Recommendations

1. The FA2J Project Board should approve the inclusion of three grantee CSOs (FDPF, MSP, and Empower Pacific) as representatives of end-user beneficiaries on the project board as provided in Annex 7 as soon as possible.
   1. As an alternative option, the grantee CSOs can be invited to guide the project board as a distinct advisory group representing end-user beneficiaries in FA2J efforts
2. The FA2J Project Board should approve the clarification of target vulnerable populations as: people with disabilities, women, and the poor living in informal settlements and rural areas as soon as possible. Once target groups are clarified, FA2J should revise its M&E framework in partnership with duty bearers and rights holders (represented by CSOs) to both reflect a shared understanding of terminology used and to accommodate progress and challenges to date. The M&E framework should be revisited at least annually as part of the reporting cycle.
3. The FA2J Project Board should approve the creation of, to start with, four Working Groups in line with the structure provided in Annex 7 to concentrate joint resources on complex or missing elements identified by partners during the MTE as critical to progress:
   1. A working group directed to complete the procurement and roll-out of the case management system and hotline in the LAC, to include overseeing the development of the final systems (including the creation of reports necessary to inform internal and external data needs) in partnership with the selected suppliers, staff training, and roll-out to intended locations. Membership should include beneficiary representatives authorized to engage with the process within time and cost tolerances while keeping senior management fully informed, case management and hotline supplier representatives (by remote connection or in person as deployment progresses), EU delegation representatives as deemed useful by the delegation, other necessary government officials (such as Ministry of Economy representative), and UNDP staff to provide management support to decision making. (Target: procurement by 15 July, roll-out through September)
   2. A working group directed to complete the procurement and roll-out of the case management system in the Judicial Department, to include overseeing the development of the final system (including reports necessary to inform internal and external data needs) in partnership with the selected supplier, staff training, and roll-out to intended locations. Membership should include beneficiary representatives authorized to engage with the process within time and cost tolerances while keeping senior management fully informed, case management supplier representatives (by remote connection or in person as deployment progresses), EU delegation representatives as deemed useful by the delegation, other necessary government officials (such as Ministry of Economy representative), and UNDP staff to provide management support to decision making. (Target: procurement by 15 July, roll-out through September)
   3. A working group directed to focus on the development of strategic planning, M&E / reporting and related institutional strengthening efforts for duty-bearers engaged with FA2J. Membership should include beneficiary representatives with key responsibilities for planning, budgeting and reporting in their institutions, EU delegation representatives as deemed useful by the delegation, other government officials as needed (such as Ministry of Economy representative to support discussions on integrating planning, budgeting and reporting timeframes and tools to align with government financial management systems), CSO representatives where end-user perspectives are needed, external advisors as needed, and UNDP staff to provide management support to decision making. This working group should:
      1. Complete the revision of, and obtain formal approval for, the Strategic Plans drafted for the LAC and Judicial Department (Target: by 1 July 2019);
      2. Review the FA2J M&E Framework to clarify targets for the target populations identified in Recommendation 2 with participation of CSO representatives (Target: by 15 July 2019);
      3. Complete, with external assistance if the need is identified and including coordination with project assurance products such as the Assessment of Access to Justice in Fiji Assessment (Draft) and Balancing the Scales, Annual Plans for beneficiary institutions that align with targets in the Strategic Plan as well as shared FA2J targets (Target: by 1 August 2019);
      4. Develop, with external assistance if the need is identified, Annual Report templates based on the Strategic and Annual Plans and related M&E frameworks, address any gaps in mandatory reporting using the new templates, and ensure that reports are posted on institutional websites (Target: for report template by 15 August 2019, for outstanding reports TBD).

**N.B. The products of this working group should integrate institutional priorities, such as the Judicial Training Institute and other training plans, into the foundational plans and resulting budgets for each institution.**

* 1. A working group directed to focus on the development of outreach materials designed to address informational needs of specific vulnerable populations identified as targets for FA2J. Membership should include beneficiary representatives (from CSOs and duty bearers) with key responsibilities for developing and using outreach materials for their institutions, EU delegation representatives as deemed useful by the delegation, other government officials as needed (such as Ministry of Women, Children and Poverty Alleviation to support integration of efforts with national protocol on GBV), external advisors as needed, suppliers for print and media products, and UNDP communication staff to provide management support to decision making. (Target: for coordinated outreach materials targeting women by 15 July 2019 (national protocol and partner resources already available), targeting people with disabilities by 15 August 2019 (pending completion of FDPF research under grant), targeting poor living in informal settlements and rural areas by 15 September).

1. UNDP should assess partner support for the development of a Secretariat function to support justice sector coordination efforts and specific initiatives, such as the completion of mandatory international reporting. While the FA2J Project Document identifies a process based framework in addition to rights based considerations, the current FA2J footprint supports outreach and then court processing. In Fiji, the police are responsible for laying around 90% of initial charges, and many other actors contribute to victim support, evidence collection, evidence processing, and post-trial rehabilitation and reintegration later. The MTE identified benefits that a coordination mechanism that extends to actors engaged in these other stages of the process could provide for FA2J. Longer term, a sector coordination mechanism would align with UNDP’s broader rule of law program within which FA2J is managed. Various models for such a coordination mechanism exist.[[15]](#footnote-15) If both FA2J and external partners such as the FPF support the formalization of a coordination mechanism, these models should be reviewed carefully to ensure that independent functions of justice are properly supported while coordination can be advanced efficiently. In the shorter term, discrete coordination mechanisms involving FA2J and external partners, such as task forces, targeting specific shared targets within the current FA2J framework can be developed modelled on the successful UN Human Rights Council initiative to complete the Universal Periodic Review. These initiatives can build on FA2J’s successful Rule of Law conferences, however they would provide a durable structure for coordinating efforts that is not available in a conference format. As a secretariat to the task forces, FA2J can assess the unique Fiji legal and social environment for possible formalization of a coordination mechanism. The MTE identified potential targets for task forces within the current FA2J mandate:
   1. Island Courts: Recent reports indicate that the national-level growth in capacity in processing criminal cases and DVRO applications needs to be extended to the Island Court level.[[16]](#footnote-16) In addition to FA2J duty bearers, the FPF and Office of the Director of Public Prosecutions, traditional leaders, civil society and other stakeholders are necessary partners in extending outreach and service provision to rural populations. A task force with FA2J secretariat support can be convened to strategically review resources available, gaps for possible external support, and opportunities for coordinated support to the operation of Island Courts.
   2. Urban Informal Settlements: Similarly, service delivery to urban informal settlements requires partnerships across the justice and social service sectors to address persistent challenges. Recommendation 3.d. highlights the opportunity for increasing outreach to settlement areas, however as the population becomes more aware of their rights the need for service delivery can be expected to increase.

(Target: Terms of reference for task forces to be developed by Q4 2019 and one task force to be launched in Q4 2019; UNDP to review support and modalities for a formal coordination structure during annual review cycle 2020).

1. UNDP should clarify FA2J’s distinct role within its rule of law portfolio and work with other agencies to invigorate the UN Pacific Regional Strategy Coordination Group and related Outcome Groups as the conduit for engagement with the FA2J Working Groups / Project Board as depicted in Annex 8. Such engagement is specifically recommended to engage UN agencies focused on gender with the FA2J working group focused on the development of strategic planning and M&E / reporting products in line with the timeframe outlined under Recommendation 3.c. The MTE identified a specific opportunity for increased discussion and coordination within the UN agencies around the collection and processing of “Rape Kits”. CSOs report that UNICEF may be increasing support for the provision of rape kits to the FPF, and UN Women are working with GBV coordination systems linked to the Ministry of Women, Children & Poverty Alleviation and CSOs providing support to survivors. However, recent reports noted that the benefits of Rape Kits have not been fully realized due to challenges with coordination between actors involved in the collection, processing, and ultimate use of the Rape Kit evidence in court proceedings. FA2J is engaged with several key partners necessary for defining and using legal protocols throughout this process. The valuable engagement of UN agencies across the psycho-social, medical, and legal range of issues critical for the use of these kits can be leveraged to increase the effectiveness of the Rape Kits in providing justice to survivors of GBV. Opportunities for extending access to Rape Kits to rural populations may also be identified by linkage of UN agency work to the task forces described in Recommendation 4. (Target: UNDP to work with UN Women to incorporate Rape Kit efficacy as an agenda item at the next Outcome 2 meeting).

# Chapter 1: Introduction

The Terms of Reference (TOR) for this Mid-Term Evaluation (MTE) clarify that the purpose of the evaluation is to “serve an important accountability function, providing national stakeholders and partners in Fiji with an impartial assessment of the results including gender equality results of this project.”[[17]](#footnote-17) The TOR states that the audience for the evaluation will include key stakeholders, including implementing partners, civil society organizations (CSOs), the donor, UNDP, and other UN agencies.

The four objectives of this evaluation[[18]](#footnote-18) are:

1. To determine the relevance and strategic positioning of UNDP support to Fiji Access to Justice and assess whether the initial assumptions remain relevant for this project;
2. To review the progress to date under each output against planned targets *in order to[[19]](#footnote-19)* identify lessons learned that can inform future UNDP support towards capacity building and service delivery in Fiji Access to Justice;
3. To review how the interventions succeeded to strengthen the application of rights-based approaches, gender mainstreaming, and participation of other socially vulnerable groups such as children and the disabled amongst key project partners;
4. Assess the overall contribution of the project to the state of good governance, rule of law and human rights observance in the country.

This mid-term evaluation is a strategic review of progress intended to support project efforts to adapt to lessons learned. As a strategic document with clear limitations on scope and length, this review will not duplicate information contained in progress reports to date unless that information is relevant to the evaluation criteria and questions detailed below in section 2.1 or is relevant to further guidance received during an outbrief held with the European Union and UNDP on 7 May 2019.[[20]](#footnote-20) Annex 6 contains a comparative table linking the M&E frameworks in the Fiji Access to Justice Financing Agreement and Project Document. The two documents used different terminology to capture targets at each level of programming.[[21]](#footnote-21)

### Methodology and Scope

The MTE called for both a theory-based evaluation covering delivery against the theory of change and a process evaluation covering aspects of delivery and management. [[22]](#footnote-22) The evaluator developed a detailed evaluation matrix in the Inception Report; [[23]](#footnote-23) data available to inform the completion of the matrix was used to assess progress against the criteria established in the MTE’s Terms of Reference, attached as Annex 1. The assessment also considers the programmatic implications of gaps in data. 16 small group and individual interviews were conducted with 25 people between 24 April 2019 and 9 May 2019 in accordance with UN Evaluation Group guidelines.[[24]](#footnote-24) Following the interviews, the evaluator circulated minutes to all interviewees to confirm the accuracy of notes. In some cases discussions were continued by e-mail as indicated in relevant footnotes.

This Mid-Term Evaluation (MTE) covers the period from 11 July 2016 to 31 March 2019, at which point approximately USD 4,269,116 had been expended from the project budget. The MTE is a scheduled contribution to the project’s Monitoring and Evaluation (M&E) plan and included meetings with 25 people from nine organizations in Suva and Labasa, Fiji consulted between 24 April – 9 May 2019 (Annex 5).

The evaluability of the FA2J project is defined as the degree to which the project is justified, feasible, and likely to produce useful information for meaningful evaluations later. The first two factors will be addressed during discussions on the mandated MTE criteria of Relevance and Effectiveness. At its mid-point, several factors are undermining the projects potential for producing useful information for evaluation later. These factors are addressed during discussion on the Management criteria.

# Chapter 2: The Development Challenge

The TOR provides that:

The Fiji Access to Justice Project, funded by the European Union (EU) and implemented by the United Nations Development Programme (UNDP), supports access to justice for impoverished and vulnerable groups through empowering people to access legal rights and services through the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. The project seeks to “Empower Fijians to access justice and strengthen Fijian key justice sector institutions to deliver access to justice, particularly for impoverished and vulnerable groups”. The Legal Aid Commission and the Judicial Department are the two key justice institutions entry points for access to justice, along with links to other institutions, and are being strengthened under this project.

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institution duty bearers to realize and protect legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice.

The project was designed and implemented following a period where Fiji diverged from international standards and norms following a military coup in 2006. Democratic norms were re-established in 2014. Leading up to the democratic elections in 2014, Fiji passed a new constitution with a renewed commitment to personal rights in 2013.[[25]](#footnote-25) In support of further progress following the election, the European Union (EU) defined a new partnership with the Government of Fiji that included support through the European Development Fund in two main sectors: rural sustainable livelihoods; and public administration reform and governance.[[26]](#footnote-26) This partnership, dated 2014-2020, reconnected Fiji with the broader agreements between the EU and Africa, Caribbean and Pacific (ACP) countries defined by the Cotonou Agreement, which extends through 2020. The EU signed a Financing Agreement with the Government of Fiji in June 2016 covering support to UNDP implementation of the Fiji Access to Justice Project with a target of contributing to the “fostering of democracy, governance, and political stability.”[[27]](#footnote-27)

In preparation for the project, UNDP completed project design for the FA2J from October 2015 to April 2016.[[28]](#footnote-28) This process included outreach activities involving 1,490 people (51% women, 38% men, 11% children) to refine an understanding of the needs of potential target groups; workshops to identify gaps in the capacity of the LAC, JD, and other organizations as duty bearers were held over nice days between December 2015 and April 2016. The theory of change developed for the FA2J was nominally based on four complementary approaches: a human rights based approach to development; a process and problem solving focussed approach; a gender based approach assessing the particular needs of women in accessing justice; and a political economy approach to change.[[29]](#footnote-29) UNDP and the EU agreed to the Description of Action for the Fiji Access to Justice Project in July 2016.

In 2015, the Legal Aid Commission (LAC) provided advisory services to 16,813 clients.[[30]](#footnote-30) By 2018, the number of clients had increased to 26,725 for advisory services, and 1823 for “First Hour” support.[[31]](#footnote-31) As of 2016, only 2% of those applying for free legal services from the LAC were declined support based on either the means (earning less than FJD 15,000) or merit tests.[[32]](#footnote-32)

Data provided by LAC 20 May 2019

Demands on court services have similarly expanded and evolved in recent years. Fiji police reported sexual attacks classified as rape or attempted rape declining to 210 cases by 2017 from a high of 448 in 2012.[[33]](#footnote-33) Cases of rape opened in Magistrates Court declined to 141 cases in 2017 down from a high of 198 in 2012.[[34]](#footnote-34) While the total number of cases dropped over this period, the percentage of reported cases being brought to trial rose from around 44% in 2012 to over 67% in 2017. During the same period, concerted efforts by government and civil society actors in line with new legislation led to an 83% increase in Domestic Violence Restraining Orders (DVRO) filings in Family and Criminal Courts.[[35]](#footnote-35) The Judicial Department has also increased support to alternative dispute mechanisms through the opening of a Mediation Centre in Suva (2015) and the provision of counselling services, which increased from 1141 cases in 2012 to 2070 cases in 2017.[[36]](#footnote-36) By 2018 the number of Magistrate Courts had increased to 36, with LAC ensuring the availability of legal representation at all sittings.[[37]](#footnote-37)

## Government Approach to Access to Justice – National Policies and Strategies

The FA2J was designed and implemented during a period of transition for the government of Fiji. The new constitution in 2013 and elections in 2014 created a number of expectations and opportunities, however significant challenges to the legal system remained during this period.[[38]](#footnote-38) In November 2017, the Government of Fiji published its National Development Plan (NDP) covering both five and 20 year projections.[[39]](#footnote-39) The NDP is “aligned with global commitments including the 2030 Agenda for Sustainable Development”, and “cross-cutting issues such as climate change, … gender equality, disability and governance are mainstreamed…” into the plan.[[40]](#footnote-40) Within the plan for National Security and the Rule of Law, the NDP makes several commitments related to the scope of FA2J, including continued “…efforts to further improve access to justice …, [e]xpanding legal services to improve access to justice for all Fijians…,” and providing resources for “legal aid services, court sittings in rural and outer islands, and the greater decentralization of services.”[[41]](#footnote-41)

Based on recent interviews with the Legal Aid Commission (LAC) and Judicial Department, the government has maintained respect for the independence of the two institutions while also meeting its commitments to increased support. In 2016-17, the LAC received FJD 5 million in funding, or US$ 2.87 per capita, which supported 178 employees.[[42]](#footnote-42) The LAC and Judicial Department are the focus of the eight programmes/projects delineated in the Strengthening Access to Justice component of the NDP,[[43]](#footnote-43) however executive branch elements, including the military and Fiji Police Force, receive the bulk of attention in the rule of law section. Under “Women in Development”, the NDP further commits national attention to “appropriately attend to gender-based violence in all its forms” with an intent to achieve 100 percent reporting of GBV crimes. [[44]](#footnote-44)

Interviews with FA2J CSO partners confirmed that the Government of Fiji is engaging actively with civil society partners on issues relating to FA2J, including support for victims of gender based violence and people with disabilities. Several interviews noted a turning point around 2016 for the increase in support.[[45]](#footnote-45)

## Partner Activities Related to Access to Justice

As a regional hub, many international and regional agencies and CSOs are based in Fiji. For the MTE, the activities of partners that were directly associated with FA2J through grants or who were identified as active in access to justice programming during interviews were reviewed. All grantees reported receiving support from multiple government and international partners.

### UN Women

UN Women has several regional programs that touch on access to justice for women. During discussions, the Ending Violence Against Women (EVAW) Programme was highlighted as particularly relevant to the work of FA2J. EVAW focuses on “the prevention and response to violence, exploitation and abuse of women and girls in Fiji”[[46]](#footnote-46) One aspect of this work is support to the Fiji Ministry of Women, Children & Poverty Alleviation, which facilitates a coordination between government, civil society and other partners addressing GBV. The ministry and its partners started producing the “Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence” in 2017.[[47]](#footnote-47) UN Women chairs the UN’s Outcome 2 (Gender Equality) Committee to support agency coordination under the United Nations Pacific Strategy 2018-2022.

### UNICEF

In 2018 UNICEF implemented programming to improve the protection of children’s rights in the justice system in partnership with the Judicial Department.[[48]](#footnote-48) UNICEF, with funding from Australia’s Department of Foreign Affairs and Trade (DFAT), has supported training for judges and magistrates as well as court improvements. According to MSP, UNICEF will be supplying funding to the Fiji Police Force (FPF) Forensics Unit for the Rape Test Kits that the police provide to MSP for the collection of evidence following an alleged attack.[[49]](#footnote-49)

### Medical Services Pacific (MSP)

Medical Services Pacific (MSP) was launched in Fiji in 2010 “…to enable Pacific women and adolescents to have greater access to quality health care services and to build resilience in vulnerable groups…”[[50]](#footnote-50) MSP has received funding from DFAT, UN Women, the EU and other partners covering a range of psychosocial, medical, educational, and justice initiatives. FWRM notes the advent of MSP as a turning point in the treatment of victims of GBV in Fiji as they dramatically scaled up the type and accessibility of quality health care, including Pre-Exposure Prophylaxis (PrEP), available to victims due their on-staff doctors, professional counsellors, and legal professionals.[[51]](#footnote-51) MSP credits their scope to support from the EU around 2013 that “jumpstarted” their ability to deliver services. MSP is the only service provider in Fiji with an MOU with the FPF to collect evidence for the Rape Test Kits, which must be processed by a doctor within a limited time window under Fiji law. MSP has worked with FWRM and others to obtain additional support for legal professionals on the prosecution and defence sides on how the evidence produced by the Rape Test Kits can be used in court in Fiji. MSP’s offices are in Suva and Labasa; they are seeking support to open additional offices. MSP’s “Girl Empowered” booklet targeting the sexual health of young women is endorsed by the Ministry of Education as a training resource.

MSP received a grant from FA2J in December 2018 to extend outreach on justice and GBV issues. Initial planning for outreach materials starting April 2019.

### Empower Pacific

Empower Pacific (EP) maintains its focus as a service provider and works “… in partnership with government and other community agencies to ensure a holistic model of professional service”. EP has both MOUs and Memorandum of Agreement (MOA, which differ from MOU in that they allow for monetary support) with Government of Fiji bodies to provide professional counselling, social work support, training and other services.[[52]](#footnote-52) EP maintains a staff of internationally qualified counsellors and social workers, as well as lawyers, trainers and volunteers at offices in Suva, Lautoka, Nadi, and Labasa. EP has satellite offices in Nausori, Valelevu, Tavua Hospital and Ba Mission Hospital. In addition to supporting victims of sexual violence, EP assists people living with HIV/AIDS, provides counselling to individuals and families, and provides other services.[[53]](#footnote-53)

### Fiji Disabled People’s Federation (FDPF)

Fiji Disabled People’s Federation is a non-profit organization representing four affiliated organizations: Spinal Injuries Association, Fiji Association of the Deaf, United Blind Persons of Fiji and Psychiatric Survivors Association. Following review of early versions of the Assessment of Access to Justice in Fiji, which identified people with disabilities as a discrete vulnerable population in need of support for access to justice, FA2J reached out to FDPF to assist with circulating the call for grant proposals in late 2018.[[54]](#footnote-54) FDPF was awarded a grant in December 2018 supporting outreach to people with disabilities with regard to their justice needs. As of May 2019, FDPF has worked with FA2J to refine their workplan into a phased approach over two years, incorporating an initial research and engagement phase prior to the design of outreach materials. FDPF has been working with FWRM to learn from FWRM’s work with women’s access to justice issues over the past several decades.[[55]](#footnote-55) FDPF expects to add five staff members to support the FA2J grant, and will be developing outreach materials around June of 2019.

# Chapter 3: UNDP Response and Challenges

Research and interviews confirmed UNDP responses as presented in the FA2J Inception Report and two Annual Reports. Where relevant, and where data was available, the contribution of activities towards results were captured in Annex 2 and Annex 6. The relationship between specific challenges and intended results has been consolidated within Chapter 4 in order to avoid duplication.

A number of general challenges affected implementation during the review period:

* Cyclones in 2016 and, to a lesser extent, in 2018 impacted on FA2J’s ability to engage with target populations, particularly in rural areas where affected target populations required extended periods to recover essential services prior to engagement with FA2J activities. The cyclones highlight the potential role of climate change in exacerbating or creating vulnerable populations in Fiji; this issue has not been directly explored to date, however the anticipated flow of data from case management systems expected in 2019 will inform partner engagement with FA2J and other partners.
* Elections in 2018 disrupted partner availability and the planning of key activities pending the confirmation of the date for the elections in November.

# Chapter 4: Contribution to Results

## Evaluation Criteria and questions

The TOR establishes a broad framework of six anchor evaluation criteria: **relevance**, **effectiveness**, **efficiency**, **sustainability, partnership strategy**, and **impact**. Two additional dimensions that cut across these anchor considerations, **gender** and **social inclusion**, will be also be assessed. The criteria and related questions are expanded further in the Evaluation Matrix in Annex 2.

### 1. Relevance

**To what extent is UNDP’s engagement in Access to Justice a reflection of strategic considerations, including UNDP’s role in the particular development context in Fiji and its comparative advantage vis-à-vis other partners?**

Partners interviewed confirmed initial assessments on the relevance of work on access to justice in Fiji. FWRM noted that even with support women affected by violence require an average of 2.5 years and 6 contacts with the justice system to achieve justice.[[56]](#footnote-56) In line with the Assessment of Access to Justice in Fiji draft report, FDPF highlighted that people with disabilities did not receive “participant” status in discussions with government until 2016; those discussions did not include issues relating to justice until FDPF successfully advocated for to a conference sponsored by the Attorney General in 2018.[[57]](#footnote-57) Initial research by FDPF in furtherance of their grant with FA2J indicates that people with disabilities are facing challenges similar to other victims of violence in Fiji. However, people with disabilities also have to address physical or mental barriers to understanding and accessing their rights along with other considerations such as gender, sexual orientation, poverty or geographic isolation facing other vulnerable populations.[[58]](#footnote-58)

Several interviewees noted that government support appeared to increase in 2016 and has remained consistent to date. The needs identified by interviewees, as expanded in external reports such as FWRM’s Balancing the Scales, are better understood and government agencies are better resourced than they were in 2015-2016 when FA2J was designed. However, as access to information and services has grown through the expansion of LAC, CSO outreach efforts, and other service providers, the number of cases “gets greater and greater.”[[59]](#footnote-59) This pattern suggests that the work to date has successfully released latent need and given formerly silent populations hope that the formal system can effectively address their needs.

At the same time, the capacity of government services is facing growing pains. The rapid increase of staff and geographic scope of services for partners such as LAC has largely been done using systems that evolved when organizations were smaller. This success of this approach to date is attributed to the efforts of highly dedicated individuals working in a supportive fiscal and policy environment. The FA2J Project Document recognized the need for increasing the institutional strength of key duty bearers by targeting strategic planning, reporting, and administrative systems in Output 1 and Output 2. The LAC noted that FA2J’s assistance in developing its draft Strategic Plan, which was being revised to accommodate a longer time frame as of the MTE, as the most important contribution of FA2J to its work to date.[[60]](#footnote-60) At the time of this report, the Judicial Department’s strategic plan is also in draft form, however there is a publicly available strategic plan available for 2011-2014 along with a corporate annual plan for 2014.

In addition to strengthening the institutions, the finalization and publication of strategic plans, annual plans, and annual reports would directly assist government and CSO partners in creating an environment for positive collaboration.[[61]](#footnote-61)

### 2. Effectiveness

**To what extent have project results/targets been achieved or has progress been made towards their achievement?**

The FA2J has four programmatic outputs and one management output defined. FA2J’s Annual Reports have accurately documented progress, which has been constrained to the activity level through the period under MTE review.[[62]](#footnote-62)

The MTE observed that the limited evolution of project management systems has contributed to observed challenges in converting progress at the activity level to output level contributions within the four programmatic outputs. Specifically, when the initial timeframes for key products was exceeded, the Project Board (PB) mechanism was not clearly engaged in determining new timeframes or approving alternative plans to address repercussions to other aspects of the project caused by the delayed products. Secondly, sub-policy level working groups that linked beneficiary / supplier / management actors in the day-to-day efforts required to implement complex activities did not evolve. As discussed below, this contributed to a situation where, at times, policy level actors did not feel that they had timely access to information on challenges during implementation.[[63]](#footnote-63)

The MTE is therefore focused on the management output with regard to how this element impacted progress against outputs across the FA2J:

**OUTPUT 5: Effective Project Management***Outcome Indicators: 1) 50 Communications and Visibility materials and events conducted in accordance with the agreed Communication and Visibility Plan; and 2) 2 independent project evaluations with results shared and discussed with the Project Board.*

As an initial consideration, the PB structure deviated from structures suggested by the Finance Agreement and the UNDP Description of Action, as well as from an ideal PRINCE2 perspective. The Finance Agreement stated that the PB, called a Steering Committee, would include “…the NAO/Ministry of Economy, the EU Delegation, the UNDP…as well as representatives of the Legal Aid Commission, the Chief Justice, and NGOs involved in the Action.”[[64]](#footnote-64) Amongst four separate lenses, the UNDP Description of Action cited a human rights based approach in its Description of Action that would put the focus “…on ensuring that impoverished and vulnerable people are empowered to utilise the institutions that are most relevant for them in obtaining justice, while at the same time stressing the importance of strengthening the capacity of those relevant institutions to deliver justice; facilitating a convergence between popular expectations and institutional capacities to respond, aiming to deepen the social contract.”[[65]](#footnote-65) This approach can be summarized as engaging Rights Holders, those that have a right that they need to access from an institution, and Duty Bearers, those institutions that have a legal obligation to provide those services, in a constructive framework. PRINCE2 systems establish a policy level project board where End Users and Suppliers take responsibility for decisions facilitated by a Management function, which then guides implementation within the scope, typically defined in terms of budget and time, approved by the project board.

The PB agreed to in the Project Document contained two duty-bearers, the LAC and the Judicial Department, UNDP and the EU Delegation. Interviews with the EU Delegation and LAC suggest that this more restricted PB membership, which lacked rights-holders as represented by CSOs and executive branch representation, was the result of careful negotiation of the transitional political environment in 2016.[[66]](#footnote-66) The smaller PB did not appear to affect *activity level* efforts under Outputs 1 and 2, however may have contributed to the lack of end-user focus included in several Output and Outcome level indicators. The lack of rights-holder representation on the board appeared to significantly impact the level of focus and direction of activities under Outputs 3 and 4.

PRINCE2 approaches also facilitate coordination between suppliers and beneficiaries during the generation of products, with the project board maintaining accountability for either the completion of tasks within scope or cancelling tasks that move out of scope to a degree that the project board will not approve. In FA2J, as is common in development context application of PRINCE2, the EU Delegation was positioned as the “supplier” on the PB. While this ensures a strong, partner-level, position for the EU Delegation in decision making processes, it does not effectively engage technical suppliers with the beneficiaries within a PB managed structure. For example, key suppliers during the first have of FA2J, such as Lexis Nexis, were not directly engaged with beneficiaries at the PB level and most communication with suppliers was with the management team represented by UNDP.[[67]](#footnote-67) The MTE indicates that at various points this arrangement shifted accountability for suppliers, beneficiaries, and the project board onto the management function represented by UNDP.

As a function of the limited membership of the PB and the lack of clarity on accountabilities during implementation to date, program issues have percolated without resolution and core project tools, such as the M&E framework, have not been actively adapted as projected by both the Financing Agreement and Project Document. Several examples of persistent problems with program issues emerged during MTE interviews that are illustrative:

* Case management systems: As a core product within Outputs 1 and 2, the case management system was an early priority for FA2J, and it was positioned as a pre-cursor to several monitoring and reporting targets intended to be available by Year 2. Establishing a fully functioning case management system, however, is a multi-year target.[[68]](#footnote-68) This timeframe would realistically be extended when considered alongside an e-filing system. Since the status of existing case management systems in the LAC and Judicial Department were not fully assessed prior to FA2J, the initial target was reasonable. However, as details emerged the target dates for procurement and implementation should have been adjusted within the PB decision making system along with the dates for products that relied on fully functioning case systems. In addition, while the PB supplier position is nominally held by the EU delegation, the EU is not engaged in activity level implementation between PB meetings. Interviews also indicated that beneficiary institutions represented on the PB had key roles in implementation, but did not specifically designate accountable, e.g. duly authorized and responsible, representatives for this procurement. The limited MTE review indicates that this situation resulted in UNDP accepting portions of sub-PB supplier accountabilities and, to some extent, beneficiary accountabilities during this procurement process.
* Case reports: the initial scope defined for the case reports in the Project Document was to use historical practices of obtaining a hard copy bound version of the case reports for missing years. The scope of this product was revised through healthy dialogue between UNDP and the beneficiaries to include both hard and soft (electronic format available through the web) versions. Beneficiaries further expanded the scope by requesting international private sector quality and reliability.[[69]](#footnote-69) The provider selected during an extended procurement process that navigated the expanded scope was Lexis Nexis, which brought Fiji into a global discussion over copyright issues relating to annotated laws.[[70]](#footnote-70) The management function was transparent in the evolution of scope for the procurement and the unexpected issues that arose, however the issue was not captured in a way to maintain PB accountability for changes in scope and time. As a result, the original timeframes have been maintained in documents in spite of the expanded scope and identification of significant unforeseen issues.
* Assessment of Access to Justice in Fiji (HiiL): this robust assessment was framed during the design process as the foundation for a number of key elements in several outputs. The assessment ultimately included responses from more than 4000 citizens, legal professionals, and vulnerable populations from throughout Fiji collected in collaboration with the Government of Fiji. The assessment experienced delays relating to the after-effects of the 2016 cyclone and preparations for elections. On review, however, it is questionable whether the original timeframes for an assessment of this scope were realistic. A narrower assessment funded at the same time, FWRM’s Balancing the Scales of Justice, was planned over a healthier three year period, which allowed for significant coalition building during the initial planning stages. The two reports are complementary; the Assessment of Access to Justice document captures perspectives on access to justice nationally, while Balancing the Scales drills deeply inside this environment from the perspective of women. As such, both reports can be important contributions to the Project Assurance function of FA2J if that function is expanded. The PB, as supported by the management function, did not accommodate the fact that the scope of Assessment of Access to Justice was too large for it to provide the early baseline information planned for the inception period. It also appears that some intended baseline elements, such as users’ perceptions of services (as opposed to the perception of the general population), may not be available from the national assessment.

### 3. Efficiency

***As a function of resource utilization*, how well has the project delivered the expected results?**

The MTE reviewed the efficiency of the FA2J using standard value-for-money considerations of how well inputs are leading to output results. As output results have not been, for the most part, reached through 31 March 2019, the efficiency of FA2J is on its face low.

Staff and project board issues have been highlighted as undermining the efficiency of FA2J.[[71]](#footnote-71) Specifically, the impact of the decision to proportionally allocate the time of the six key FA2J staff positions raised questions about the level of effort directly committed to FA2J.[[72]](#footnote-72) In addition, the number of PB meetings and the content of those meetings has been identified as a factor affecting FA2J’s efficiency.

MTE interviews and research indicate that the staffing arrangements may have contributed to the alignment of inputs, particularly staff costs, to narrowly defined FA2J targets for reasons other than the proportional allocation of staff time. UNDP has taken informal steps to clarify lanes of individual responsibility at senior levels.[[73]](#footnote-73) However, the challenge may not be solely at the individual level. FA2J operates within a portfolio of rule of law efforts, which are themselves within a portfolio of governance efforts.[[74]](#footnote-74) Interviews and field visits identified a lack of clarity about the boundaries between initiatives that are managed within portfolios. Well intentioned initiatives to increase outreach through a related project, for example, have on their surface been positive. However, the outreach initiatives have not directly aligned with the FA2J outputs requiring coordinated outreach between CSOs and LAC. Rather than improve efficiency, therefore, the shared effort results in activities that are difficult to measure against either project’s theory of change. Several interviews also noted confusion amongst partners as to the specific role of FA2J within the rule of law portfolio.

The MTE reviewed the impact of Project Board operations against the effectiveness criteria above. With regard to efficiency, the MTE reviewed minutes from five Project Board Meetings (a frequency of approximately two per year). The issues raised and discussed were reported by board members as being well documented, however the nature of implementation meant that the issues were not ripe for clearly defined policy decisions at the time of the meeting.[[75]](#footnote-75) Described as “endless discussions” by one interviewee, the inability of project board meetings to generate clear guidance was a shared concern with PB members. MTE interviews and research, including that captured above under the effectiveness criteria, suggests that new approaches be considered for how all parties engage during periods [[76]](#footnote-76)in between project board meetings. No parties interviewed suggested the need for additional policy level meetings.

Using the start date of the Project Document, 4 July 2016, the expenditure rate is somewhat lower than the 45% reported in the draft ROM. On review, the ramp up of distribution and utilization rates appears normal for a project of FA2J’s complexity, and UNDP has updated spending plans in coordination with workplan reviews during March 2019. The 2018 Budget Report, updated through March 2019,[[77]](#footnote-77) reflected issues relating to procurement discussed above under Outputs 1-3 as planned budget amounts were not consistently expended against. Output 4, targeting support to NGOs, faced a different challenge as there were a number of unplanned expenditures under this output, suggesting the need to revisit this output more strategically to ensure that activity planning is completed with a clear connection to higher level results. For example, the only budgeted activity under Activity Result 4.1, targeting the capacity of NGOs to deliver accompaniment services, was for contractual services in support of the Assessment of Access to Justice. Given delays in the finalization of this assessment, delays were reasonable in 2018. The MTE did not identify evidence that alternative modalities have been sought to improve NGO capacity to deliver accompaniment services.

### 4. Sustainability

**To what extent are project results likely to be sustainable?**

The sophistication of the two duty-bearers, as evidenced by their ability to sustain annually increasing case loads while growing staff and geographic reach, indicates that large scale contributions such as the case management system will have a high likelihood of sustainability if it they are properly rolled out after installation. At the time of the MTE, no large-scale outputs were available to review for institutional impact and integration.

Several examples of collaboration between duty bearers were provided during interviews that suggest that FA2J has aligned with positive dimensions within the Fiji justice system that could contribute to sustainability:

* LAC North Office in Labasa notes strong partnerships with court actors, including direct receipt of copies of new cases from the Judicial Department as soon as they are issued;[[78]](#footnote-78)
* Both the Director of Public Prosecutions and the Assistant Commissioner of Police noted consistent, although ad hoc, engagement with the justice sector to address systemic challenges – the “First Hour” effort addressing the treatment of those in detention and supporting the video recording of statements taken by police resulted from one of these engagements.[[79]](#footnote-79)

Alignment is several steps away from the target of “fostering”, however the first half of FA2J has directly supported positive engagements between three duty bearers and created avenues for potential sector wide engagement. FA2J and its partners will need to carefully assess opportunities for more formal sector coordination efforts given the importance of recent progress in strengthening the independence of the judiciary and the LAC.

The lack of partner ownership of procurement processes emerged as a risk to sustainability during the MTE. Partners interviewed generally discussed project procurement as a UNDP function rather than as a shared FA2J obligation. As a positive sign of investment in FA2J, all partners participated actively when requested in complex procurement, such as those discussed above for case management systems. Contributions to the cases management procurement, for example, included participation in the review of procurement requirements and engagement in a robust testing of short-listed candidates during a staged selection process that has extended for more than 18 months. However, partners identified frustration with the process itself or with the supplier identified by the extended process. While a new mechanism for procurement has been identified to accommodate the UN requirements outlined in the Project Document, the process requires significant support from the Ministry of Economy, which has not committed to performing this function to date. The MTE found that responsibility for the new process remains largely with UNDP.

### 5. Partnership Strategy

**To what extent were partnership modalities conducive to the delivery of outputs?**

Interviews confirmed that FA2J was designed and implemented in a challenging environment for government-to-civil society partnerships.[[80]](#footnote-80) In particular, tensions between “advocacy” focused, as opposed to “service-delivery” focused, CSOs was noted as a significant consideration in 2015. During the decade prior to the launch of FA2J, advocacy-focused CSO’s were a consistent opposition force against anti-democratic and anti-human rights trends. Reverberations of this period have manifested under FA2J in the form of residual distrust or frustration between certain duty bearers and some CSOs. The MTE found that government perspectives on CSOs has evolved significantly since 2015 as reflected in direct executive branch statements that the “government needs the expertise of NGOs”[[81]](#footnote-81) and multiple CSOs reporting MOUs and Memoranda of Agreement (MOA), which differ from MOU in that they create an avenue for payments to the CSOs, in place with multiple government entities, including the Ministry of Education, Ministry of Health, and Fiji Police Force.

The role of UN agencies, and UNDP specifically, were highlighted for either direct support or for supporting collaboration. However, problems specific to the FA2J were also identified. Several interviewees see the government’s current support for access to justice as the result of years of advocacy by CSOs that struggled through challenging periods. For example, FDPF noted that it was only after 2016 that the government’s approach has been to say “we know that we do not have all the answers, so please help us.”[[82]](#footnote-82) In light of this, a CSO questioned why FA2J / UNDP has not engaged with CSOs as partners from the beginning, and identified gaps in transparency that were characterized as unique to the FA2J project.[[83]](#footnote-83) For reasons discussed above, such engagement may not have been possible during earlier phases of the project. The MTE confirmed that there are now strong relationships in place between CSOs and key duty bearers engaged with FA2J. Opportunities for increasing engagement with rights holders will contribute to building stability beyond the time frame of FA2J in addition to generating necessary progress within the project’s theory of change.

In late 2018 FA2J actively initiated additional engagement with CSOs through a grant mechanism and other efforts supported by the EU.[[84]](#footnote-84) As of 31 March 2019, CSOs have not been integrated into FA2J implementation or decision-making structures, and steps outlined in the Project Document relating to the creation of networks of CSOs have not progressed. During the review period, therefore, important individual linkages between FA2J duty-bearers and CSOs have strengthened, however the modalities necessary to coordinate output level progress have not manifested.

In light of this, the MTE noted that important assessments and opinions created outside of the government during the review period do not have a collaborative, mutually respectful, avenue for government-partner engagement within the scope of FA2J. Such a mechanism is needed for decision makers to review and respond to external assessments, share internal data transparently in the best interest of beneficiaries, and receive external data that can assist with strategic review. FA2J, through facilitated discussions at the PB level, is in a position to identify effective and collaborative approaches to integrating the review of assessments or other contributions in a manner that aligns with existing time frames and efforts as required by the Ministry of Economy.

In 2018, new systems for coordination between UN Agencies were developed in support of the 2018-22 regional strategy launched by the United Nations for the Pacific.[[85]](#footnote-85) In support of the regional strategy, the UN established a senior Coordination Committee with six output-level sub-committees to facilitate agency engagement. FA2J reportedly struggled to establish collaborative relationships with some agencies during its design phase, however interviews with UNDP and partners noted improved coordination as the project progressed.[[86]](#footnote-86) The Output 2 (Gender Equality) and Output 5 (Governance and Community Engagement – including access to justice) sub-committees are not yet operating at full capacity. As FA2J moves forward these Output groups may be useful during the adaptation of M&E frameworks, review of assessments, and other processes to address EU, CSO, and agency concerns about FA2J’s engagement with gender.

### 6. Impact

**Is the FA2J project progressing against its stated or other implied outcomes?**

The MTE found that FA2J reporting accurately captures activity level progress. As discussed above, the activity level progress has not delivered planned outputs to date. In light of this, the MTE is not able to assess progress against the outcome level targets. At the project’s mid-point, the risk of FA2J not meeting outcome targets is high. Changes to implementation and partnership approaches are needed to mitigate this risk.

### 7. Gender

**To what extent has gender been addressed in the design, implementation, and monitoring of Access to Justice interventions and is gender marker data assigned to this project representative of reality?**

The FA2J Description of Action[[87]](#footnote-87) and Project Documents include substantial attention to gender dynamics within institutions, such as disaggregated data on staffing within duty bearers, within crime statistics, such as the prevalence of gender based violence, and as an anticipated factor affecting access to justice. The Financing Agreement for the FA2J project similarly identifies a focus on women as a distinct target group for project efforts in support of NGO/LAC efforts.[[88]](#footnote-88)

Several interviewees suggested that design efforts were not sufficiently robust in the treatment of gender.[[89]](#footnote-89) The MTE review suggests that while space for deeper engagement with gender was created during the design, the lack of clear, research-based guidance in 2015-16 led partners to postpone the clarification of gender focused initiatives and targets until after the inception phase. As outlined above, cascading delays in the completion of some activities muddied the implementation logic. The issues highlighted under the Effectiveness and Efficiency criteria, above, directly affected FA2J’s attention to gender issues during implementation. Specifically, alternative modalities were not identified with the Project Board when delivery of planned activities, such as the Assessment of Access to Justice in Fiji, extended past their original time parameters. FA2J also did not identify alternative options for refining indicators, such as using external reports like Balancing the Scales (2018), as envisaged in the Financing Agreement and Project Document M&E frameworks.

### 8. Social Inclusion

**How did the project consider the plight and needs of the vulnerable and disadvantaged to promote social equity, for example, women, youth, persons with mental or physical challenges?**

The MTE exercise suggests that social inclusion and gender dimensions were treated similarly during design and implementation. The FA2J Description of Action[[90]](#footnote-90), FA2J Project Document, and the Financing Agreement for the FA2J project all identify an intended focus on vulnerable and disadvantaged populations within Fiji. Specific targets and systems for this focus, however, were left for definition after the completion of baselines and the creation of pilot networks for CSO/LAC outreach and accompaniment services.

At the time of the MTE, the draft Assessment of Access to Justice in Fiji had identified people with mental or physical challenges and women as recommended focus populations for deeper engagement, and the FA2J had issued a grant to the Fiji Disabled People’s Federation, which is in a scoping phase through June 2019.

Chapter 5: Conclusions and Recommendations

### Conclusions

1. While government support is strong, as demonstrated by the NDP and partner affirmations of consistent budget support, external assistance is warranted and timely as the level of demand challenges historic systems and structures in both scope and complexity.[[91]](#footnote-91) International support to access to justice issues can assist partners in identifying and addressing gaps collaboratively. External reviewers also endorsed the thematic relevance of programming to improve access to justice in Fiji.[[92]](#footnote-92)
2. Partners use different terminology in the foundation M&E frameworks for FA2J. In order to explore this issue for the MTE, the comparative table attached as Annex 6 was prepared. For the most part, recognizing that UNDP’s “Activity Results” are equivalent to outputs, e.g. the result of an activity, and that the “Outputs” in UNDP’s framework are in fact medium-term outcomes resolves most of the confusion without disrupting the logic or implied timeframes of the Theory of Change.
3. Partner and project needs require a collaborative refinement of FA2J indicators; this process was anticipated by both the Financing Agreement and the Project Document, but delays to key products appear to have contributed to delays to the periodic review of indicators for relevance and accuracy.[[93]](#footnote-93) The work of FA2J, including the substantial engagement of HiiL in the drafting of the Assessment of Access to Justice in Fiji report, government partners that have developed internal data collection systems which informed recent reports, and civil society partners provides a foundation for clarifying FA2J target vulnerable populations as people with disabilities, women, and the poor living in informal settlements and rural areas.[[94]](#footnote-94) New relationships with CSOs allows for targets to be considered in coordination with representatives of beneficiaries as well as duty-bearers and other partners.
4. The MTE suggests that the PB has not evolved sufficiently to manage the complex substantive, administrative, and collaboration needs of the project in a manner that will contribute to sustainability. Exemplary leadership and personal commitments at the policy level have generated institutional progress during the MTE period. This commitment needs to be supported by working level structures that maintain momentum for project activities in between policy-level meetings by jointly implementing against PB targets and maintaining the flow of information to senior board members within each member institution.
5. The products necessary to support partner strategic planning cycles, including strategic plans linked to the government national development plan, annual plans and budgets, and mandatory public reporting require urgent attention in order to foster sustainability, support partners in evolving into expanded roles and geographic reach, and contribute to sector collaboration through the provision of publicly available data in a manner that accommodates partner resources.
6. The FA2J management output includes communication and visibility targets. Activities under this output have focused on awareness of project activities and have been the primary focus of the FA2J staff dedicated to communication issues. MTE interviews with the LAC, Judicial Department and three CSOs selected for grants in 2018 confirmed that all partners are developing outreach materials. In light of the confirmation of the importance of aligning outreach messaging on rights and services by assessments completed in 2018, it is timely for FA2J to dedicate communication resources to supporting jointly agreed materials between partners.[[95]](#footnote-95)
7. The MTE identified interest in a wider rule of law or sector coordination mechanism that builds on the healthy and productive ad hoc linkages between justice sector actors in Fiji. [[96]](#footnote-96) Both the Financing Agreement and Project Document identify the growth of a sector-wide coordination network as a potential result of FA2J. Such a coordination mechanism has ad hoc precursors reported within the sector, and it may be a timely consideration for partners to include such engagement in their finalisation of strategic plans. Such a coordination mechanism should carefully consider the importance of maintaining the independence of the judiciary and Fiji’s independent institutions, such as the LAC and the HRADC. The coordination mechanism should also be considered as an output separate from the FA2J Project Board functions in order to ensure that FA2J maintains its focus on defined targets.
8. The MTE identified a desire amongst partners for increased coordination between UN agencies, and between UN agencies and external partners. The UN launched a mechanism to support these levels of coordination in 2018 following the release of the United Nations Pacific Strategy 2018-2022. In addition, interviews highlighted a need for further clarification of the distinct FA2J role within the UNDP rule of law portfolio. FA2J benefitted from the solid foundation provided by other projects and shared staffing arrangements, however moving forward the distinct target populations identified for FA2J and technical services, such as accompaniment, will require a more narrow focus to outreach and CSO support efforts while still supporting collaboration within the portfolio when possible.
9. Several factors identified during the MTE suggest that renewed attention to gender elements of FA2J will be beneficial: duty bearers on the PB have developed or supported gender-focused elements within their institutions; the National Development Plan directly targets the role of women in development and the challenge of GBV; the UN’s Regional Strategy provides an avenue for FA2J to benefit from contributions from other UN agencies via the Outcome 2 (Gender Equality) group; FA2J has engaged as grantees two CSOs with a gender focus and one CSO that has expressed a gender element to their work with people with disabilities; the FWRM’s EU-funded Balancing the Scales assessment of women’s access to justice in Fiji was completed in 2018; and project partners expressed an openness to CSO engagement in the PB during MTE interviews.

### Recommendations

1. The FA2J Project Board should approve the inclusion of three grantee CSOs (FDPF, MSP, and Empower Pacific) as representatives of end-user beneficiaries on the project board as provided in Annex 7 as soon as possible.
   1. As an alternative option, the grantee CSOs can be invited to guide the project board as a distinct advisory group representing end-user beneficiaries in FA2J efforts
2. The FA2J Project Board should approve the clarification of target vulnerable populations as: people with disabilities, women, and the poor living in informal settlements and rural areas as soon as possible. Once target groups are clarified, FA2J should revise its M&E framework in partnership with duty bearers and rights holders (represented by CSOs) to both reflect a shared understanding of terminology used and to accommodate progress and challenges to date. The M&E framework should be revisited at least annually as part of the reporting cycle.
3. The FA2J Project Board should approve the creation of, to start with, four Working Groups in line with the structure provided in Annex 7 to concentrate joint resources on complex or missing elements identified by partners during the MTE as critical to progress:
   1. A working group directed to complete the procurement and roll-out of the case management system and hotline in the LAC, to include overseeing the development of the final systems (including the creation of reports necessary to inform internal and external data needs) in partnership with the selected suppliers, staff training, and roll-out to intended locations. Membership should include beneficiary representatives authorized to engage with the process within time and cost tolerances while keeping senior management fully informed, case management and hotline supplier representatives (by remote connection or in person as deployment progresses), EU delegation representatives as deemed useful by the delegation, other necessary government officials (such as Ministry of Economy representative), and UNDP staff to provide management support to decision making. (Target: procurement by 15 July, roll-out through September)
   2. A working group directed to complete the procurement and roll-out of the case management system in the Judicial Department, to include overseeing the development of the final system (including reports necessary to inform internal and external data needs) in partnership with the selected supplier, staff training, and roll-out to intended locations. Membership should include beneficiary representatives authorized to engage with the process within time and cost tolerances while keeping senior management fully informed, case management supplier representatives (by remote connection or in person as deployment progresses), EU delegation representatives as deemed useful by the delegation, other necessary government officials (such as Ministry of Economy representative), and UNDP staff to provide management support to decision making. (Target: procurement by 15 July, roll-out through September)
   3. A working group directed to focus on the development of strategic planning, M&E / reporting and related institutional strengthening efforts for duty-bearers engaged with FA2J. Membership should include beneficiary representatives with key responsibilities for planning, budgeting and reporting in their institutions, EU delegation representatives as deemed useful by the delegation, other government officials as needed (such as Ministry of Economy representative to support discussions on integrating planning, budgeting and reporting timeframes and tools to align with government financial management systems), CSO representatives where end-user perspectives are needed, external advisors as needed, and UNDP staff to provide management support to decision making. This working group should:
      1. Complete the revision of, and obtain formal approval for, the Strategic Plans drafted for the LAC and Judicial Department (Target: by 1 July 2019);
      2. Review the FA2J M&E Framework to clarify targets for the target populations identified in Recommendation 2 with participation of CSO representatives (Target: by 15 July 2019);
      3. Complete, with external assistance if the need is identified and including coordination with project assurance products such as the Assessment of Access to Justice in Fiji Assessment (Draft) and Balancing the Scales, Annual Plans for beneficiary institutions that align with targets in the Strategic Plan as well as shared FA2J targets (Target: by 1 August 2019);
      4. Develop, with external assistance if the need is identified, Annual Report templates based on the Strategic and Annual Plans and related M&E frameworks, address any gaps in mandatory reporting using the new templates, and ensure that reports are posted on institutional websites (Target: for report template by 15 August 2019, for outstanding reports TBD).

**N.B. The products of this working group should integrate institutional priorities, such as the Judicial Training Institute and other training plans, into the foundational plans and resulting budgets for each institution.**

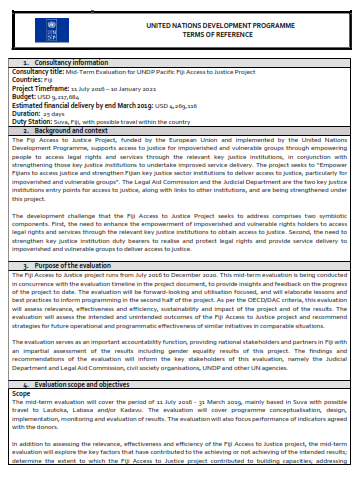
* 1. A working group directed to focus on the development of outreach materials designed to address informational needs of specific vulnerable populations identified as targets for FA2J. Membership should include beneficiary representatives (from CSOs and duty bearers) with key responsibilities for developing and using outreach materials for their institutions, EU delegation representatives as deemed useful by the delegation, other government officials as needed (such as Ministry of Women, Children and Poverty Alleviation to support integration of efforts with national protocol on GBV), external advisors as needed, suppliers for print and media products, and UNDP communication staff to provide management support to decision making. (Target: for coordinated outreach materials targeting women by 15 July 2019 (national protocol and partner resources already available), targeting people with disabilities by 15 August 2019 (pending completion of FDPF research under grant), targeting poor living in informal settlements and rural areas by 15 September).

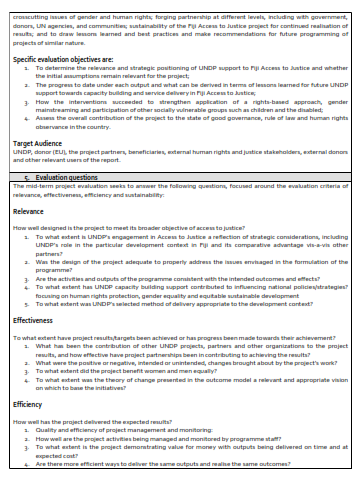
1. UNDP should assess partner support for the development of a Secretariat function to support justice sector coordination efforts and specific initiatives, such as the completion of mandatory international reporting. While the FA2J Project Document identifies a process-based framework in addition to rights-based considerations, the current FA2J footprint supports outreach and then court processing. In Fiji, the police are responsible for laying around 90% of initial charges, and many other actors contribute to victim support, evidence collection, evidence processing, and post-trial rehabilitation and reintegration later. The MTE identified benefits that a coordination mechanism that extends to actors engaged in these other stages of the process could provide for FA2J. Longer term, a sector coordination mechanism would align with UNDP’s broader rule of law program within which FA2J is managed. Various models for such a coordination mechanism exist.[[97]](#footnote-97) If both FA2J and external partners such as the FPF support the formalization of a coordination mechanism, these models should be reviewed carefully to ensure that independent functions of justice are properly supported while coordination can be advanced efficiently. In the shorter term, discrete coordination mechanisms involving FA2J and external partners, such as task forces, targeting specific shared targets within the current FA2J framework can be developed modelled on the successful UN Human Rights Council initiative to complete the Universal Periodic Review. These initiatives can build on FA2J’s successful Rule of Law conferences, however they would provide a durable structure for coordinating efforts that is not available in a conference format. As a secretariat to the task forces, FA2J can assess the unique Fiji legal and social environment for possible formalization of a coordination mechanism. The MTE identified potential targets for task forces within the current FA2J mandate:
   1. Island Courts: Recent reports indicate that the national-level growth in capacity in processing criminal cases and DVRO applications needs to be extended to the Island Court level.[[98]](#footnote-98) In addition to FA2J duty bearers, the FPF and Office of the Director of Public Prosecutions, traditional leaders, civil society and other stakeholders are necessary partners in extending outreach and service provision to rural populations. A task force with FA2J secretariat support can be convened to strategically review resources available, gaps for possible external support, and opportunities for coordinated support to the operation of Island Courts.
   2. Urban Informal Settlements: Similarly, service delivery to urban informal settlements requires partnerships across the justice and social service sectors to address persistent challenges. Recommendation 3.d. highlights the opportunity for increasing outreach to settlement areas, however as the population becomes more aware of their rights the need for service delivery can be expected to increase.

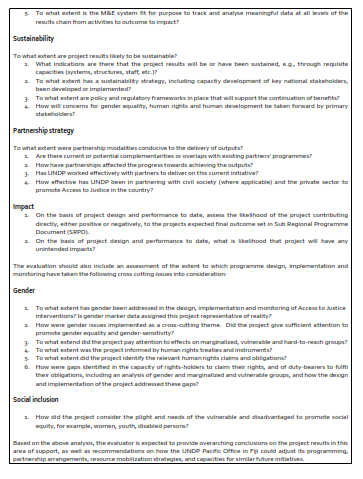
(Target: Terms of reference for task forces to be developed by Q4 2019 and one task force to be launched in Q4 2019; UNDP to review support and modalities for a formal coordination structure during annual review cycle 2020).

1. UNDP should clarify FA2J’s distinct role within its rule of law portfolio and work with other agencies to invigorate the UN Pacific Regional Strategy Coordination Group and related Outcome Groups as the conduit for engagement with the FA2J Working Groups / Project Board as depicted in Annex 8. Such engagement is specifically recommended to engage UN agencies focused on gender with the FA2J working group focused on the development of strategic planning and M&E / reporting products in line with the timeframe outlined under Recommendation 3.c. The MTE identified a specific opportunity for increased discussion and coordination within the UN agencies around the collection and processing of “Rape Kits”. CSOs report that UNICEF may be increasing support for the provision of rape kits to the FPF, and UN Women are working with GBV coordination systems linked to the Ministry of Women, Children & Poverty Alleviation and CSOs providing support to survivors. However, recent reports noted that the benefits of Rape Kits have not been fully realized due to challenges with coordination between actors involved in the collection, processing, and ultimate use of the Rape Kit evidence in court proceedings. FA2J is engaged with several key partners necessary for defining and using legal protocols throughout this process. The valuable engagement of UN agencies across the psycho-social, medical, and legal range of issues critical for the use of these kits can be leveraged to increase the effectiveness of the Rape Kits in providing justice to survivors of GBV. Opportunities for extending access to Rape Kits to rural populations may also be identified by linkage of UN agency work to the task forces described in Recommendation 4. (Target: UNDP to work with UN Women to incorporate Rape Kit efficacy as an agenda item at the next Outcome 2 meeting).

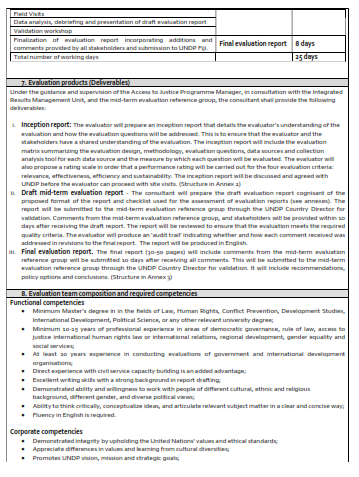
# Annex 1 – Terms of Reference

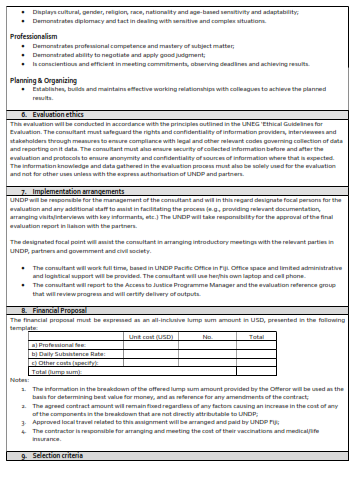


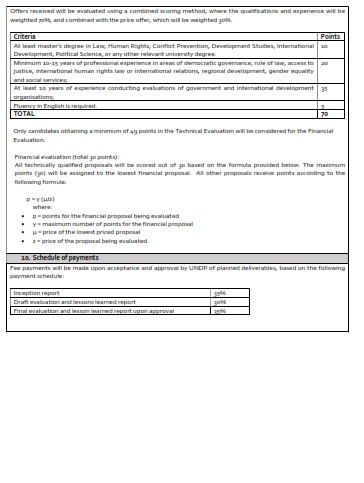


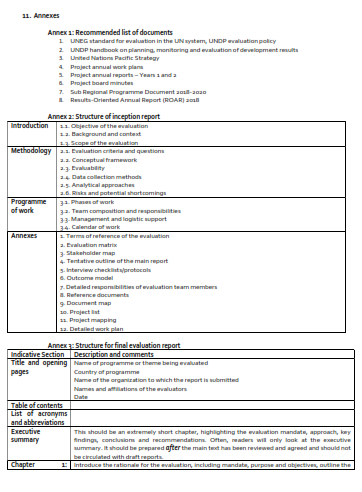


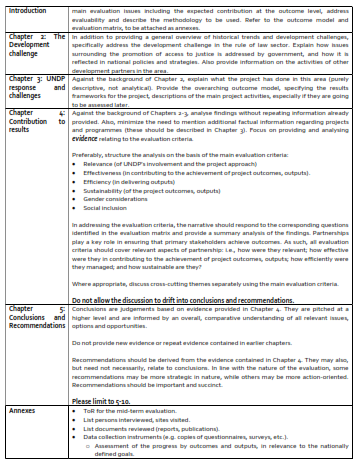


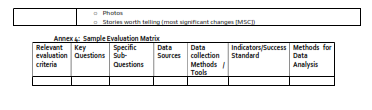








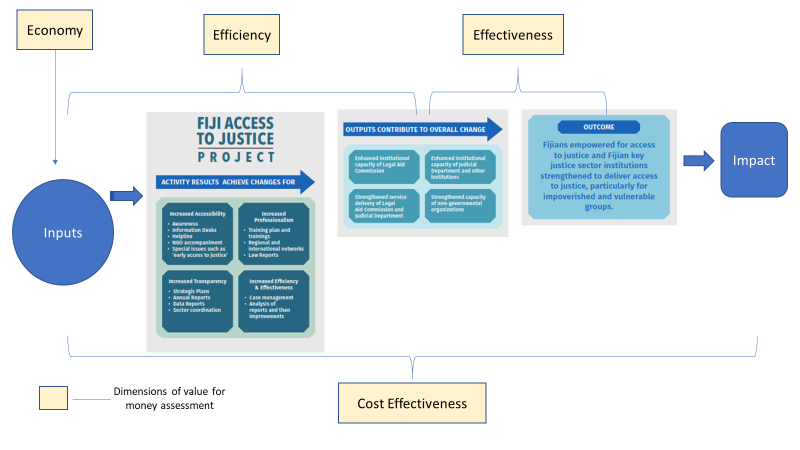




# Annex 2 – Evaluation Matrix

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Criteria** | **Overarching evaluation question** | | **Specific evaluation question** | | **Judgement criteria** | **Indicator(s)** | **Data Collected** | **Potential data sources** | **MTE Comment (10.5.19)** |
| **Relevance** | 1. | To what extent is UNDP’s engagement in Access to Justice a reflection of strategic considerations, including UNDP’s role in the particular development context in Fiji and its comparative advantage vis-à-vis other partners? | A. | Was the design of the project adequate to properly address the issues envisaged in the formulation of the programme; are the activities and outputs of the programme consistent with the intended outcomes and effects? | \* Evidence that the theory of change (activity to output to outcome) will contribute to improved access to justice for poor and vulnerable populations  \* Alignment of activities and outputs to effect intended changes in capacity of duty bearers and rights holders | \*increase year/year on availability of case information relating to target populations from internal systems of duty bearers \*increase year/year of target population demand for services or support (through accompaniment) in using services | \*0 increase in availability of case information:: data management systems (linked to Case Management) not yet in place \*20% increase year / on year in demand (LAC interview) for services - data not publicly available | \*LAC / JD reports (case management systems as available) \*FA2J reports | \*Case management systems not in place to support reporting on progress against outcomes (key to relevance considerations)  \* Design targets and activities well supported by partners and independent assessments, however time allowed for first phase significantly out of line with international standards: local examples, such as FWRM Balancing the Scales Report, allowed 3 years for report alone |
| B. | To what extent has UNDP capacity building support contributed to influencing national policies/strategies focusing on human rights protection, gender equality, and equitable sustainable development? | \*Incidences of direct / indirect contribution of technical capacity building, especially strategic planning support, to relevant national policies/strategies and budgets | \*Number of human rights protection, gender equality, and equitable sustainable development considerations present in key partner periodic and annual plans and budgets \*Increase year/year in budget allocated to address needs of vulberable and poor populations by key partners | \*human rights and other considerations not measurable across partner documents as only strategic plans in draft form for JD/LAC \*Duty bearers report increasing budgets since 2016: figures not publicly available | \*LAC/JD periodic and annual plans and budgets \*FA2J reports | \*Target populations defined late 2018: people with disabilities and victims of GBV in geographically underserved areas: no specific data available from duty bearers on these pops. |
| C. | To what extent was UNDP’s selected method of delivery appropriate to the development context? | \*Evidence that delivery method engaged key partner (Legal Aid Commission (LAC), Judicial Department (JD), CSOs) management and accountability mechanisms to the benefit of target populations | \*Number of government and CSO partners engaged in implementation | \*3 duty bearers engaged fully with Project Board (PB) - limited linkage of partners to target populations through FA2J \*3 CSOs engaged with outreach to target pops. through grants | \*FA2J reports \*A2J Assessment \*Partner annual reports \*Partner interviews | \*Partners have *independently* been working to expand services: it is not clear if this is causally linked to FA2J  \*Possible inclusion of representatives of Rights Holders on PB in 2019 |
| **Effectiveness** | 2. | To what extent have project results/targets been achieved or has progress been made towards their achievement? | A. | What were the positive or negative, intended or unintended, changes brought about by the project’s work? | \*Increased / decreased measure of case flow from target populations  \*Increased / decreased measure of case flow from underserved areas \*Increased / decreased support to vulnerable populations by CSOs | \*Increased / decreased measure of case flow from target populations  \*Increased / decreased measure of case flow from underserved areas \*Increased / decreased support to vulnerable populations by CSOs | \*2 CSOs newly engaged with outreach on justice issues to underserved areas \*No measurement of case flow available pending case management system | \*FA2J reports \*A2J Assessment \*Partner annual reports \*Partner interviews | \*Empower Pacific and FDPF were previously engaged in service delivery or advocacy  \*LAC offered to collect data on case flows (etc) but not received to date |
| B. | How were the gaps identified in the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations, including an analysis of gender and marginalized and vulnerable groups, and how effectively were interventions tailored to address these gaps? | \*Increased clarification of target populations / gaps in their capacity to claim rights in local environment  \*Incidences of duty bearers aligning resources to address needs of target populations | \*Vulnerable populations defined in local context \*Poor population defined in local context \*# of distinct gaps identified in duty bearer service delivery \*# of distinct gaps identified In capacity of rights holders (from defined populations) to claim rights | \*de facto definition of vulnerable populations through CSO grants: people with disabilities and women facing GBV in underserved areas \*Reports to date have not reviewed institutional gaps and institut. strengthening pending \*3 vulnerable groups identified by A2J Assessment (Draft) | \*FA2J reports \*A2J Assessment \*Partner annual reports \*Partner interviews | \*A2J Assessment (Draft) at 79 recommended specific attention to: women (particularly those facing GBV); people with disabilities; and those in remote or isolated areas |
| C. | To what extent was the theory of change presented in the outcome model a relevant and appropriate vision on which to base the initiative? | \*Increased / decreased incidence of duty bearer alignment of resources to target populations \*Increased / decreased incidence of target population claiming rights with partner duty holders | \*year/year changes in partner budgets aligned to service delivery to target populations \*year/year changes in number of individuals from target populations claiming rights | \*Data requested: not available through public sources | \*FA2J reports \*A2J Assessment \*Partner annual reports \*Partner interviews | \*LAC data request pending |
| D. | To what extent is the project likely to produce useful information for later evaluations? | \*Evidence of increased availability of refined A2J related baseline data \*Evidence of increased availability of primary data from duty bearer (case tracking, etc) and right holder (access to hotline, etc) partners | \*Number of baseline studies completed to international standard \*Increase in availability of primary data related to justice services for target populations from key partners | \*While A2J Assessment drafted, not complete at the time of the MTE - some signs that A2J Assess may not provide enduring baseline for partners | \*FA2J reports \*A2J Assessment \*Partner annual reports \*Partner interviews | \*Note that Balancing the Scales was produced in 2018, which provides substantial baseline information independently from FA2J |
| **Efficiency** | 3. | As a function of resource utilization, how well has the project delivered the expected results? | A. | With regard to use of resources, what is the quality/efficiency of project management and monitoring in light of the project’s operational environment? | \*Incidences of monitoring products informing program direction \*Incidences of implementation issues being resolved through governance mechanisms | \*Resource allocation / utilization by output \*# of implementation issues raised and addressed through project board | \*output budgets from FA2J \*Issues raised but not resolved through PB as of date of MTE | \*FA2J reports \*A2J Assessment \*Project board meeting reports \*Partner interviews | \*3 major implementation issues relating to procurement were reviewed: all raised to PB, but none resulted in agreed refinements to core project documents |
| B. | How well are the project activities being managed and monitored by programme staff? | \*Evidence on frequency and accuracy of scheduled project reporting | \*# of scheduled reports produced +/- 2 months of schedule \*% of planned products produced +/- 2 months of schedule | \*2 Annual Reports produced on schedule | \*FA2J reports  \*FA2J budget documents and reports | \*Only annual reports, case reports, and PB meetings are being produced on schedule; other elements reviewed are more than 6 months outside of scheduled dates without PB agreements on impact |
| C. | To what extent is the project demonstrating value for money with outputs being delivered on time and at expected cost? | \*Evidence that planned products and outputs necessary to advance the theory of change are being delivered in a timely and cost efficient manner | \*% of planned activities/products per output completed on time \*% variance between activity projected costs against actual costs | \*Less than 20% of planned activities / products originally planned are complete as of 4/2019 \*Costs have been well managed and variances documented for PB | \*FA2J reports  \*FA2J budget documents and reports | \*In light of low completion rate against original targets, the time variance dimension was not reviewed in detail |
| D. | Are there more efficient ways to deliver the same outputs and realize the same outcomes? | \*Identified alternative partners or modalities for activity implementation | \*# alternative partners or modalities identified for implementation\*# considered by project management / board | \* 1 alternative modality, a Letter of Agreement for large scale procurement, was identified for a complex product | \*FA2J reports\*Project board meeting reports\*Partner interviews | \*The focus on procurement issues at the activity level has limited attention to exploration for higher level (output and outcome) alternative modalities |
| E. | To what extent is the M&E system fit for purpose to track and analyze meaningful data at all levels of the results chain from activities to outcome to impact? | \*Evidence that M&E systems are / are not informing relevant decision making processes \*Evidence that M&E systems are / are not capturing relevant information at activity / output / outcome levels | \*# M&E products reviewed and acted on by governance systems | \*M&E systems are not informing refinement of programming \*M&E systems are not informing partner strategic planning | \*FA2J reports \*Project board meeting reports \*Partner interviews | \*The M&E frameworks remain relevant, however appear underutlized in informing PB decision making; there have not been any approved revisions to the M&E framework during the review period |
| **Sustainability** | 4. | To what extent are project results likely to be sustainable? | A. | What indications are there that the project results will be or have been sustained, e.g. through requisite capacities (systems, structures, staff, etc.)? | \*Evidence that support to key partners (LAC and JD) is being integrated into internal systems and processes \*Evidence that accompaniment services to target populations (vulnerable and poor) are being integrated into CSO systems (or external support mechanisms) | \*# of products in relevant outputs integrated into LAC/JD internal policies and procedures \*# of CSOs supported through FA2J that have developed internal frameworks to support accompaniment services | \*Draft LAC strategic plan has been used in partner management cycle \*No CSO partners engaged in accompaniment services at time of MTE (grants issued, but interviews suggest CSO focus on research and outreach) | \*FA2J reports \*Partner interviews | \*The anticipation of baseline research may have delayed the creation of functional working groups with partners that can internalize products |
| B. | To what extent are policy and regulatory frameworks in place that will support the continuation of benefits? | \*Evidence that Government of Fiji or key partner policy and regulatory frameworks support independent engagement in providing A2J services to target populations | \*# National policies supporting A2J services to target populations \*# endorsed key government partner strategic plans that support A2J service delivery to target populations | \* Fiji National Development Policy supportive of A2J and duty bearers and rights holders (FDPF) report consistent support from government \* Partner strategic plans not endorsed as of 4/2019 | \*National Development Plan \*FA2J reports \*Partner interviews | \* The development of a strategic plan was noted as very useful by the LAC, however neither the LAC nor JD have endorsed 5 Year strategic plans as of 4/2019. FA2J support to a healthy strategic planning/budgeting cycle within partners is therefore not demonstrated |
| C. | How will concerns for gender equity, human rights, and human development be taken forward by primary stakeholders? | \*Evidence that gender equity, human rights, and human development are being used to guide strategic planning / operations by primary stakeholders | \*# endorsed key government and CSO partner strategic plans that support gender equity, human rights, and human development | \* 0 Strategic Plans endorsed and implemented to carry forward human rights concerns | \*FA2J reports \*Partner interviews | \* Government partners report strong alignment to government Development Plan and budget processes; these efforts may have been incidentally supported by FA2J contributions |
| **Partnership Strategy** | 5. | To what extent were partnership modalities conducive to the delivery of outputs? | A. | Are there current or potential complementarities or overlaps with existing partners’ programmes: what has been the contribution of other UNDP projects, partners, and other organizations to the project results? | \*Evidence of UNDP and other partners programming in the A2J space in a manner that complements or overlaps with project activities | \*# existing CSO partners targeting the same vulnerable and poor populations to improve A2J \*# UNDP projects or partners contributing to project results | \*In addition to 3 CSOs engaged through grant, 2 major CSO partners identified in similar space \* In addition to FA2J, 2 additional UNDP projects in ROL space; UN Women in GBV space; UNICEF in justice space; UNOHCHR in human rights space (disabilities, justice, gender equity) | \*FA2J reports \*Partner interviews | \*Clear overlap in A2J assessment space as both UNDP and Fiji Women’s Rights Movement conducted A2J research during the MTE period; the assessments can be viewed as complementary, however they were not directly coordinated and both can benefit from a coordinated approach on how they can contribute to partner strategic review and planning |
| B. | How have partnerships affected the progress towards achieving the outputs? | \*Incidences of partnerships positively / negatively affecting progress | \*# partnerships leveraged to achieve outputs | \*3 partnerships with grantee CSOs \*1 linked actor not engaged (FWRM interview) and 1 UN Agency seeking more engagement | \*FA2J reports \*Partner interviews | \*While relationships with both FA2J government partners and other sector partners, such as DPP and FPF, are well developed, strategic partnerships at the outcome / output level are limited |
| C. | Has UNDP worked effectively with partners to deliver on this current initiative? | \*Degree to which UNDP has identified and, if available, worked with partners | \*# partnerships leveraged to achieve outputs | \*3 partnerships with grantee CSOs \*1 linked actor not engaged (interview FWRM) and 1 UN Agency seeking more engagement  \*4 supplier partnerships, including 2 international, developed | \*FA2J reports \*Partner interviews | \*Difficult dimensions to several outputs have required extensive time commitment, however these have not yet led to completed outputs; the shift in scope (time) has not been clearly documented in M&E frameworks and workplans |
| D. | How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote access to justice in the country? | \*Incidences of civil society partnerships as positive factor in implementation \*Incidents of private sector as positive factor in implementation | \*# CSO partners positively engaged in planned activities  \*# private sector partners positively engaged in planned activities | \*3 CSO partners engaged  \*3 private sector partners engaged (2 finalist for case management / Lexis Nexis) with sector at advanced level | \*FA2J reports \*Partner interviews | \*Engagement with CSOs was delayed until late 2018 and is limited primarily to grantees; there is an opportunity for strategically reviewing options for both FA2J and direct partner engagement with the larger CSO community |
| **Impact** | 6. | Is the FA2J project progressing against its stated or other implied outcomes? | A. | On the basis of project design and performance to date, what is the likelihood of the project contributing directly, either positively or negatively, to the project’s expected final outcome set in Sub Regional Programme Documents (SRPD)? | \*Evidence of continuing progress towards outcome set in SRPD | \*% planned milestones (planned under SRPD outcome) met by mid-term review date (31 March 2019) | \*Milestones not integrated into project plan; 0 milestones met | \*FA2J reports \*Partner interviews | \*Both the relevance and difficulty of outputs to the sector highlight the importance of the UNDP role; however, given delays the need for robust partner engagement in procurement, roll-out and training for anticipated outputs will be determinative as to FA2J's direct contribution to outcome |
| B. | On the basis of project design and performance to date, what is likelihood that project will have any unintended impacts? | \*Evidence of positive / negative impacts not captured in theory of chance | \*# unintended potential impacts identified | \*FA2J linked Fiji with Lexis Nexis and addressed key IP issue that will face other PICs \*FA2J challenges with engaging CSO community may exacerbate historical friction between government / CSO actors | \*FA2J reports \*Partner interviews | \*The complex procurements facilitated by FA2J have the unintended impact of linking PICs to global justice resources \*FA2J worked through the implementation period during a period where CSO/government dynamics were very complex; however, FA2J is now in a position to work with partners to create opportunities for positive engagement between civil society and government |
| **Gender** | 7. | To what extent has gender been addressed in the design, implementation, and monitoring of Access to Justice interventions and is gender marker data assigned to this project representative of reality? | A. | How were gender issues implemented as a cross-cutting theme - did the project give sufficient attention to promote gender equality and gender sensitivity? | \*Evidence of gender focus or component in activities | \*# activities with a gender focus or component\*# females / # males directly engaged through project activities\*% change in gender balance in key partner staffing | \*2 grants issued 2018 have gender focus; Institutional strengthening activities gender neutral - designed to contribute data to later review\*Limited disaggregated data in reporting with exception of activity-level attendance\*JD gender balance stable / LAC gender balance not confirmed to date | \*FA2J reports\*Partner interviews | \*Only the grants issued in 2018 contained an "explicit gender focus"; while other activies were gender neutral by nature, several, such as efforts to implement case management systems, are intended to contribute to gender-based analysis and other programming - as these are not in place as of 4/2019, their contributions cannot be assessed as part of the MTE. FA2J worked with partners to expand female participation in international exchanges, workshops and other activities |
| B. | To what extent did the project benefit women and men equally? | \*Evidence of gender balance for direct / indirect beneficiaries within key partners and end users through project implementation | \*# activities with a gender focus or component \*# females / # males directly engaged through project activities \*% change in gender balance in key partner staffing | \*2 grants issued 2018 have gender focus; Institutional strengthening activities gender neutral - designed to contribute data to later review \*M&E data not disaggregated in annual report \*JD gender balance stable / LAC gender balance not confirmed to date | \*FA2J reports \*Partner interviews | \*Benefits from planned activities reached more men than women; due to delays at the output level, the MTE could not assess downstream impact (eg coverage for outreach programs under the grants), which will be critical for the end of project assessment |
| C. | To what extent did the project pay attention to effects on marginalized, vulnerable and hard-to-reach groups? | \*Evidence as to what extent marginalized, vulnerable and hard-to-reach groups were a focus during activity implementation, M&E, and project management | \*# activities with a focus or component involving marginalized, vulnerable, and hard-to-reach groups | \*A2J Assessment dedicated resources to extending to geographically marginalized groups \*3 CSO grants directed towards marginalized and vulnerable groups \* M&E and project management did not link with rights holders to date | \*FA2J reports \*Partner interviews | \*With over 4000 subjects across all divisions, the A2J Assessment (Draft) is the most comprehensive effort to obtain citizen perspectives to date in Fiji |
| D. | To what extent was the project informed by human rights treaties and instruments? | \*Evidence that human rights treaties and instruments contributed to project implementation, M&E, and project management | \*# of indicators linked to human rights treaties and instruments | \* 0 indicators linked to human rights treaties and instruments (or reports on same) | \*FA2J Description of Action  \*EU Financing Agreement | \*The FA2J Project Document is linked ot human rights instruments and perspectives, however the M&E framework and FA2J implementation are not directly linked to human rights instruments; the role of UN Outcome Groups may contribute to future engagement of FA2J partners with human rights perspectives |
| E. | To what extent did the project identify the relevant human rights claims and obligations? | \*Evidence that human rights treaties and instruments contributed to project implementation, M&E, and project management | \*# of human rights treaties and instruments identified in project documentation | \* 0 indicators linked to human rights treaties and instruments (or reports on same) | \*FA2J Description of Action  \*EU Financing Agreement | \* FA2J did not directly engage with this dimension during the review period |
| F. | How well did the design and implementation of the project address the gaps related to gender identified in the capacity of rights-holder to claim their rights, and of duty-bearers to fulfil their obligations? | \*Evidence that specific gaps were identified and addressed during implementation for rights-holders in target populations and duty bearers in key partners | \*# gaps related to gender identified for rights-holders and duty-bearers during design \*# gaps related to gender identified for rights-holders and duty-bearers during implementation  \*# gaps related to gender addressed during implementation | \* 2 primary gaps identified in design \*Specific institutional (duty bearer) gaps not identified and addressed during 1st half implementation (CJ comments Feb 19 PB Mtg) \*Gap of lack of women's access to information identified through draft A2J Assess. | \*A2J Assessment  \*FA2J reports \*Partner interviews | \*The design of FA2J is built around 2 fundamental gaps relating to gender: 1) access to justice in Fiji required assessment to identify gaps, including those relating to gender, and 2) there was a lack of knowledge amongst vulnerable groups as to their rights \*The delayed completion of the A2J Assessment and, more importantly, its integration into strategic planning and budgeting systems have delayed concrete contributions to addressing gaps during the period under review |
| **Social inclusion** | 8. | How did the project consider the plight and needs of the vulnerable and disadvantaged to promote social equity, for example, women, youth, persons with mental or physical challenges? | A. | Assess the alignment of program implementation to formally / informally identified target populations | \*Evidence of programmatic activities that have an explicit gender / pro-poor / pro-vulnerable group focus or component | \* # of programmatic activities that have an explicit gender / pro-poor / pro-vulnerable group focus or component | \* 3 CSO grants have explicit gender / pro -poor (geographic lack of access to opportunities and resources) / pro-vulnerable group (people with disabilities) | \*FA2J reports \*Partner interviews | \*The grants issued in 2018 contained an "explicit gender / pro-poor / pro-vulnerable group focus"; the A2J Assessment also directly engages with issues facing these target populations, however it is not yet endorsed as of 4/2019 and there is not a mechanism in place for integrating the results of the A2J Assessment into partner or project initiatives |

# Annex 3 – Outcome Model



# Annex 4 – Reference Documents

\*Primary source documents through 22 April 2019

|  |  |
| --- | --- |
| Document | Author |
| Description of the Action of the project “Fiji Access to Justice Project”, FED/2016/ 378-171 | UNDP |
| Financing Agreement between the European Union and the Republic of Fiji, FED/2015/038-757 | EU |
| Year 1 Progress Report, Fiji Access to Justice Project, July 2017 | UNDP |
| Year 1 Progress Report (Revised), Fiji Access to Justice Project, December 2017 | UNDP |
| Year 2 Progress Report (DRAFT), Fiji Access to Justice Project, Dec 2018 | UNDP |
| FA2J Project Board Meeting Minutes, 18 Oct 2016 | UNDP |
| FA2J Project Board Meeting Minutes, 27 June 2017 | UNDP |
| FA2J Project Board Meeting Minutes, 30 Jan 2018 | UNDP |
| FA2J Project Board Meeting Minutes, 25 June 2018 | UNDP |
| FA2J Project Board Meeting Minutes, 15 Feb 2019 | UNDP |
| Results Oriented Monitoring Report (DRAFT), April 2019 | EU |
| Assessment of Access to Justice in Fiji (DRAFT), November 2018 | HiiL |
|  |  |
|  |  |

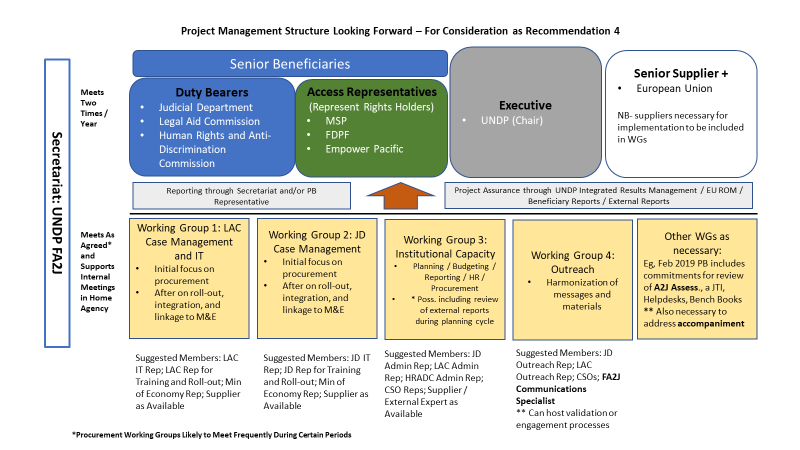
# Annex 5 – Interviews

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date | Organization | Name | Title | Contact | Minutes Provided (Y/N) |
| 23.4.19 | Legal Aid Commission (LAC) | Shahin Rafique Ali | Acting Director | Shahin.ali@legalaid.org.fj | Y |
| 24.4.19 | European Union Delegation | Christoph Wagner | Minister Counsellor / Head of Cooperation | Christoph.wagner@eeas.europa.eu | Y |
| 24.4.19 | European Union Delegation | Caroline Valette | Governance and Human Rights | Caroline.valette@eeas.europa.eu | Y |
| 24.4.19 | European Union Delegation | Ingrid Swinnen | Team Leader, Natural Resources and Governance | Ingrid.Swinnen@eeas.europa.eu | Y |
| 25.4.19 | Empower Pacific | Patrick Morgan | CEO | Patrick.morgan@empowerpacific.com | Y |
| 25.4.19 | Empower Pacific | Paulini Vakacegu | M&E Officer | Paulini.vakacegu@empowerpacific.com | Y |
| 25.4.19 | Empower Pacific | Meranda Emose | EAP Manater / Snr Social Worker | Meranda.emose@empowerpacific.com | Y |
| 26.4.19 | LAC | Karen Boseiwaqa | Legal Officer / Officer in Charge North - Labasa | Karen.boseiwaqa@legalaid.org.fj | Y |
| 26.4.19 | Medical Services Pacific (MSP) - Labasa | Marasiana Manadoli | Nurse | Nurse.labasa@msp.org.fj | Y |
| 26.4.19 | Medical Services Pacific (MSP) - Labasa | Ratu Kinijoli Rareeqa Drauna | Logistics/Driver | [logistics@msp.org.fj](mailto:logistics@msp.org.fj) | Y |
| 26.4.19 | Medical Services Pacific (MSP) - Labasa | Jacintha Robert | Counsellor | Counsellor.labasa@msp.org.fj | Y |
| 26.4.19 | Medical Services Pacific (MSP) - Labasa | Munia Vuankula | Protection/Legal | Protection.labasa@msp.org.fj | Y |
| 29.4.19 | MSP – Suva Head Office | Ashan Shaleen | Country Program Manager – Fiji | [Program.manager@msp.org.fj](mailto:Program.manager@msp.org.fj) | Y |
| 29.4.19 | MSP – Suva Head Office | Elizabeth Rova | Protection Officer | [Legal.aid@msp.org.fj](mailto:Legal.aid@msp.org.fj) | Y |
| 30.4.19 | Fiji Police Force | Itendra Nair | Chief Administration Officer / Asst. Commissioner of Police | [Itendra@gmail.com](mailto:Itendra@gmail.com) | Y |
| 30.4.19 | UNDP Fiji | Dyfan Jones | Effective Governance Team Leader & Parliamentary Development Specialist | [Dyfan.jones@undp.org](mailto:Dyfan.jones@undp.org) | Y |
| 1.5.19 | Judicial  Department | Kamal Kumar | Acting Chief Justice | [kkumar@gmail.com](mailto:kkumar@gmail.com) | Y |
| 1.5.19 | Judicial Department | Yohan Liyanage | Chief Registrar | [Yohan67@hotmail.com](mailto:Yohan67@hotmail.com) | Y |
| 1.5.19 | UNDP Fiji | Ronald Kumar | Procurement Analyst | [Ronald.kumar@undp.org](mailto:Ronald.kumar@undp.org) | Y |
| 3.5.19 | Office of the Director of Public Prosecutions | Christopher Pryde | Director of Public Prosecutions | [Christopher.pryde@gmail.com](mailto:Christopher.pryde@gmail.com) | Y |
| 3.5.19 | UN Women | Abigail Erikson | Technical Advisor | [Abigail.erikson@unwomen.org](mailto:Abigail.erikson@unwomen.org) | Y |
| 6.5.19 | Fiji Disabled Peoples Federation (FDPF) | Joshko Wakaniyasi | President | [president@fdpf.org](mailto:president@fdpf.org) | Y |
| 6.5.19 | Fiji Disabled Peoples Federation (FDPF) | Lanieta.Tuimabu | Office Manager | [lanietatuimabu@fdpf.org](mailto:lanietatuimabu@fdpf.org) | Y |
| 6.5.19 | UNDP Fiji | Salma El Hag Yousif | Regional Programme and SIDS Coordinator | [Salma.elhagyousif@undp.org](mailto:Salma.elhagyousif@undp.org) | Y |
| 9.5.19 | Fiji Womens Rights Movement (FWRM) | Nalini Singh (telephone interview) | Executive Director | [nalini@fwrm.org.fj](mailto:nalini@fwrm.org.fj) | Y |

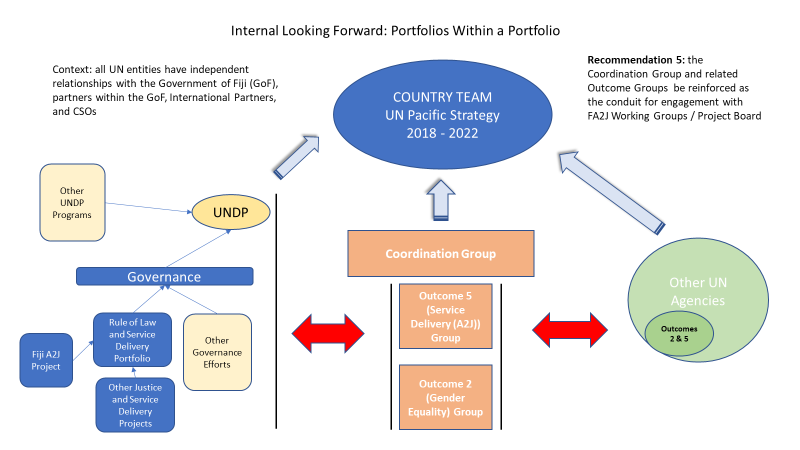
# Annex 6 – Comparative Table: EU and UNDP M&E Frameworks for Fiji Access to Justice Project

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **EU Financing Agreement FED/2015/038-757** | | | | | | **UNDP Project Document 00092246** | | |
| **Level** | **Financing Agreement (FA) Indicators\*** | **FA Baseline** | **Original Targets (Reference Yr)** | **MTE 2019 (Year and Source)** | **Comment on FA Indicator** | **UNDP Project Document Relevant Indicator** | **UNDP Value  (Year 2 Annual Report)** | **Comment on UNDP Indicator** |
| **Overall Objective:  Impact** | Practitioners and court users' perceptions of capacity, efficiency, and quality of the Judiciary and LAC improved | TBD | Total Fijian population (900,000 2015) | NA | Perception of *users*;  Unclear meaning of FA baseline, eg using total population for target | NA | NA | \*Practitioner and **user** perceptions not targeted in UNDP M&E framework |
| Capacity, efficiency and quality of the Judiciary and LAC improved - according to EU Delegation Reports | TBD (EU Delegation Reports) | No reports avail. | External EU Delegation Report Required | \*O1.2 Strategic planning and budgeting capacity of LAC (4 point scale) \*O2.2 Strategic planning and budgeting capacity of JD (4 point scale) | \*O1.2 - LAC: rated 3 \*O2.2 - JD rated 3 | \*O1.2: LAC noted use of draft strategic plan but not approved (as of April 2019) \*O2.2: JD did not note use of draft strategic plan |
| Increase in number of beneficiaries receiving legal advice, assistance, and information by 20% | "Number of beneficiaries receiving legal advice, assistance, and information" | \*at least 7% - 30% increase year / year in LAC case loads (Balancing the Scales LAC Annex at 8 / A2J Assessment (Draft) at 11 ) - **Figures for 2016 vary between sources** | Interpreted to include FA Comp II / Result 3: "The realization of awareness raising activities; note emphasis of FA on CSO cooperation with LAC across Result 3 (FA at 4)   \*No data available on beneficiaries "receiving advice" or information by LAC, JD, others so numbers per year are low | \*O4.1 Competence and skills of NGO staff relative to delivering access to justice information and services improved (4 point scale) \*O4.2 Number of networks of community advocates established, operational and producing…reports O4.3 Number of people indicating increased awareness or satisfaction with services provided by networks of community advocates disaggregated by provider, topic, and for people by sex | \*O4.1 - 3 (not noted which CSOs included in assessment) \*O4.2 - 5 \*O4.3 - 0 | **NB- the UNDP Output Inidcators better align with EU Specific Objective: Outcome indicators, however CSO engagement not captured in FA M&E framework at the Specific Objective level.**   \*O4.1 UNDP reports (Yr2 Annual) that CSO grantees will receive training in project management and technical skills (presumed 2019) - baseline of rating of 3 occurred before training; UNDP Pro Doc does not preclude NGO assessment of training \*O4.2: networks created in each division and nationally, however unclear if they are "operational and producing regular monitoring disaggregated and analysis reports" (unavailable to MTE 4/2019) O4.3: information on recipients of community advocate services not available; UNDP reports A2J Assessment will establish baseline (Yr 2 Report) |
| **Outcome** | Increased avail. of legal to aid to target populations by 50% | 15,000 (2015) | 22,500 free legal aid clients per year | \*11,745 clients (2015) to 16,577 (2017) (Balancing the Scales) | A2J Assessment (Draft) at 11 quotes LAC figure of 16,667 for 2016 | \*O1.4 Availability of free legal assistance for impoverished and vulnerable groups (4 point scale) | \*O1.4 - LAC rated 3 | \*O1.4 No quantitative figures provided; UNDP notes future helpline |
| Increased quality of legal representation and legal proceedings | Practitioners (judges, prosecutors, lawyers) baseline TBD 2016 | "All lawyers and judicial officials and court users" (no ref year) | \* Legal proceedings: Rating of 3-4 (on 5 point scale) (2018, A2J Assessment (Draft) at 41 | FA baseline not clear  Surveys projected - difference in target groups for survey between baseline and target groups (target includes court users) | \*O1.3 Competence…of LAC staff (lawyers) (4 point scale) \*O2.3 Competence…of JD staff (4 point scale) \*O3.1 % of callers to LAC hotline that are satisfied with services provided \*O3.2 % of users of informaiton centres in courts that are satisfied with services provided | \*O1.3 - LAC rated 3 \*O2.3 - JD rated 3 \*O3.1 - 0 | \*NB that Yr2 Annual Rpt states UNDP "has worked with LAC to identify capacity development needs", but no formal TNA \*O2.3 - UNDP noted activity support to Aug 2018 Crim Law Workshop \*O3.1 Hotline not available as 4/2019 |
| Increased competence of judges, prosecutors, and lawyers | TBD 2016 | "Public and pracitioners … surveys, relevant documents … to establish baseline from 2016" | \*Specific indicator query not covered in baseline | Prosecutors are not a defined beneficiary in the FA2J Project | \*O1.3 Competence…of LAC staff (lawyers) (4 point scale) \*O2.3 Competence…of JD staff (4 point scale) | \*O1.3 - LAC rated 3 \*O2.3 - JD rated 3 |  |
| improved strategic planning and admin. systems of courts and other institutions | Not provided | \*O1.2 Strategic planning and budgeting capacity of LAC (4 point scale) (2018 FA2J Annual Report) \*O2.2 Strategic planning and budgeting capacity of JD (4 point scale) (2018 FA2J Annual Report) | "Other institutions" considered LAC and HRADC | \*O1.2 Strategic planning and budgeting capacity of LAC (4 point scale) \*AR1.2 Capacity of LAC is strengthened to enable improved service delivery…to areas identified by the A2J Assessment \*O2.2 Strategic planning and budgeting capacity of JD (4 point scale) \*AR2.2 Capacity of JD is strengthened to enable improved service delivery…to areas identified by the A2J Assessment | \*O1.2 - LAC: rated 3 \*AR1.2 - A2J not complete; activities supporting planning and operations noted \*O2.2 - JD rated 3 \*AR2.2 - A2J not complete; activities supporting technical capacity noted | \*O1.2: LAC noted use of draft strategic plan but not approved (as of April 2019) \*AR1.2: Indicator linked to A2J Assessment, which remains pending 4/2019 \*O2.2: JD did not note use of draft strategic plan \*AR2.2: Indicator linked to A2J Assessment, which remains pending 4/2019; JD Crim Law Workshop Aug 2018 completed |
| **Output** | **Component 1: Result 1** | | | | |  | | |
| Case management databases operational for LAC and courts | Current case management system (2015) | \* Case management database (end 2017) \*Database analysis reports (2018) | No case mangement system in place LAC  No case management system in place courts | FA did not clarify what dimensions of the current case management system considered for baseline | \*O1.1 Quality of LAC case management system (4 point scale) AR1.1 LAC able to…measure and anlyze its date…to engable improbed service delivery and facilitate responsiveness \*O2.1 Quality of Judicial Department (JD) case management system | \*O1.1 - LAC: rated 3 \*AR1.1 - projected installation of IT equip 2/2019 \*O2.1 - JD: rated 3 \*AR2.1 - ICT Strategy completed (2018) | O1.1: Ratings assessed at level 3 before installation and roll-out of case management system AR1.1: Yr 2 report referenced future install of equipment (not complete as of 4/2019) O2.1: Rating assessed at level 3 before installation and roll-out of case management system |
| Quality monitoring policies and procedures adopted by LAC | Zero (2015) | Quality monitoring policies and procedures adopted and applied (2018) | No quality monitoring system producing reports |  |  |  |  |
| 5-Year strategies in place for relevant institutions | Zero (2015) | LAC and judicial strategies in place (2016) | No endorsed strategic plans in place (LAC and JD have draft plancs pending as of 4/2019) | JD had a high quality corporate plan (2010-2014) | \*O1.2 Strategic planning and budgeting capacity of the LAC (4 point scale) | \*O1.2 - LAC rated 3 | \*LAC draft strategic plan 2018 -2022 (not approved as of 4/2019 pending updates); UNDP references a Human Reources Manual and Finance Manual in Yr 2 Report - not referenced as complete by LAC as of 4/2019 \*O2.4: UNDP notes additional target of "Other Constitutional Bodies" to be determined - HRADC possible |
| Strategies created and implemented for key management and human resources policies and procedures in LAC | Job descriptions and staffing tables in place | Job descriptions, HR policies (2018) | No strategies implemented (several draft products referenced in FA2J Yr2 Annual Report) |  | \*AR 1.2 Capacity of LAC strengthened to enable improved service delivery and responsiveness to priority areas identified by A2J Assessment | \*AR 1.1 - linked to work on strategic planning and management / international exchange |  |
| Training needs assessment and training plan completed\*\* | Current training plan (assume 2015); additional training for non-lawyers | \*Training needs assessment (2016), and \*Training plans implemented annually | No TNA or approved training plan circulated |  |  |  | \*NB that Yr2 Annual Rpt (Ind 1.3 Summary) states UNDP "has worked with LAC to identify capacity development needs", but no formal TNA identified |
| Baseline survey of relevant stakeholders completed | Meaurements not being conducted | Baseline survey (2016) | \*Baseline survey of stakeholders complete (recommendations not approved) | A2J Assessment (Draft) surveyed more than 4000 stakeholder (2018) - however it is not clear that this is the target of "relevant stakeholders) |  |  |  |
| LAC participates in international exchanges\*\* | International exchanges (2015) | First international exchanges (2016) | \*1 Exchange (S Africa 2018) |  |  |  |  |
| Comparative law reports available within 18 months, and Fiji law reports available starting from 12 month after start | No law reports since 2002 (except for 2013) and no comparative law reports | \*Comparative law reports available to LC and JD (2017)\*Fiji Law Reports printed by 2020, with rolling publication from 2016 | \* AR 1.3 / AR 2.3 - reports available for 2002-08, 2012 in hard and soft versions |  | \*AR 1.3 LAC is able to…access and invoke the relevant law…\*AR 2.3 JD is able to…access and invoke the relevant law... | \* AR 1.3 / AR 2.3 - reports available for 2002-08, 2012 in hard and soft versions | \*Under AR2.3, UNDP reports that 2009 -16 will be digitized and published starting 2019 (2013 volume in hard copy but not digitized before FA2J) along with requested "catch up volumes) |
| **Component 1: Result 2** | | | | |  | | |
| 5 LAC offices supported | "No LAC Offices" (2015) | 5 LAC offices (2017) | \*AR3.1 - UNDP notes in Yr2 Report under AR 3.1 that Project Board cancelled this output in favor of additional resources for LAC ICT (PB Jan 2018) | Original indicator contained 3 separate measurable aspects - dividied here | \*AR 3.1 Delivery of free legal aid for poor and vulnerable populations through establishment of 4 LAC offices throughout Fiji | \*AR 3.1 - 0 | \*AR3.1 - UNDP notes in Yr2 Report under AR 3.1 that Project Board cancelled this output in favor of additional resources for LAC ICT (PB Jan 2018) |
| 3 information centres opened in courts | No information centres (2015) | 3 informaiton centres in courts (2016 -17) | \*AR3.3 - 3 centres reported open April 2019 | \*O3.2 % of users of informaiton centres in courts that are satisfied with services provided \*AR3.3 Increased availability of services … through establishment of 3 informaiton centres in courts… | \*O3.2 0 (No data on satisfaction level of users) \*AR3.3 - 3 centres reported open April 2019 | \* AR3.3: 3 centres reportedly opened in 2018/19 (1 visited) with FA2J providing equipment and JD staffing and managing centres; no discrete plan, policies, or guidelines provided for centres |
| The opening of an operational hotline with an increasing number of users | No hotline (2015) | Hotline established (2017) | \*O3.1 - 0 (helpline not available) (FA2J Yr2 Annual Report) | \*O3.1 % of users of LAC helpline that are satisfied with services provided \*AR3.2 Increased delivery of access to justice…through establishment of … hotline at LAC | \*O3.1 - 0 (helpline not available) \*AR3.2 - Not established | \*O3.1 / AR3.2: Installation of helpline planned for Q1 2019 (Yr 2 Report); Not installed as of 4/2019 |
| Court users perceptions and public perception of LAC and court efficiency and quality improved 20% over the duration of the project | "No baseline available - on measurements conducted (2015)" | Baseline survey (2016) with quality improved by 20% by 2020 | No specific "court user" perception baseline established | Baseline elements for this section edited to align with indicators |  |  | No specific "court user" perception baseline established; UNDP indicators based on internal assessments (UNDP M&E framework) or general population (A2J Assessment (Draft)) |
| **Component II: Result 3** | | | | |  | | |
| Realization of accompaniment services in at least 4 communities used for piloting the initiative | "No baseline available - on measurements conducted (2015)" | At least 4 pilot areas covered by 2018 | \*AR4.1 - 0 (4/2019) \*AR4.2 - 0 (4/2019) |  | AR4.1 Development of a model and implementation plan for a network of community advocates to deliver accompaniment access to justice services AR4.2 Number of networks of community advocates established, operational and producing regular data… | \*AR4.1 - 0 (4/2019) \*AR4.2 - 0 (4/2019) | \*AR4.1: the development of a model and a plan is outlined as a separate output in the workplan; no model or plan available 4/2019 \*AR4.2: UNDP reports that grantee CSOs will individually be supported to develop network implementation plan in 3 pilot divisions (Yr2 Report, Section AR 4.1); there is not a reference to a national network - note that the output is worded as a "network of community advocates" and not as the "# of community advocates" |
| The realization of awareness raising services in cooperation with the LAC annually | "No baseline available - on measurements conducted (2015)" | 1 LAC/NGO awareness campaign annually (2016) | \*O3.3 - 0 through 4/2019  \*AR3.4 - 0 through 4/2019 |  | \*O3.3 Number of people indicating increased understanding and awareness of their rights…disaggregated by provider, topic, and for people by sex, geography and population group AR3.4 Increasing impoverished and vulnerable groups awareness on accessing legal rights and services | \*O3.3 - 0 through 4/2019  \*AR3.4 - 0 through 4/2019 | \*O3.3: 3 CSO's received outreach grants in Dec 2018 for activities in 2019 \*AR3.4: Activities have been consolidated with output under Output 4 targeting work with CSOs: **NB that this may unintentionally lead to failure to link work with CSOs to LAC and JD outreach** |
| Baseline Survey conducted and monitoring of progress | "No baseline available - on measurements conducted (2015)" | Baseline survey (2016) | FA at 6 expands definition to "baseline study on the legal knowledge and awareness of citizens" | A2J Assessment (Draft) 2018 - did not assess legal knowledge and awareness of citizens |  |  | Neither Balancing the Scales nor A2J Assessment (Draft) 2018 - did not assess legal knowledge and awareness of citizens |
|  |  |  |  |  |  |  |  |  |
|  | \*Paraphrased from p10 of FED/2015/38-757 | | | | |  |  |  |
|  | \*\* FA included "NB: Specific targets for number of trained staff, international exchange, NGOs training, NGO awareness activities etc. will be st annually and monitored by the Steering Committee" - **however, the NGO elements of this note were not directly referenced in the table of indicators** | | | | |  |  |  |

# Annex 7 – Proposed Refinements to Project Board Structure



# Annex 8 – FA2J in the Context of UNDP and UN Regional Programming



1. UNDP Fiji Access to Justice Project Document. [↑](#footnote-ref-1)
2. Annex 6 contains a comparative table linking the M&E frameworks in the Fiji Access to Justice Financing Agreement (EU Delegation document) and the FA2J Project Document (UNDP document). The two documents used different terminology to capture targets at each level of programming. [↑](#footnote-ref-2)
3. FA2J Project Document at 12. [↑](#footnote-ref-3)
4. Data provided by Legal Aid Commission, 20 May 2019. First Hour background provided by FPF, noting that First Hour support grew out of collaboration between justice sector actors led by the Chief Justice of Fiji following the Universal Periodic Review in 2015; First Hour measures include immediate access to legal advice for detainees and video recording of statements given to police. As of the MTE, the initiative has been piloted in two Suva police stations and is receiving sustained government support through institutional budgets. Interview Assist. Commissioner, FPF, 30 April 2019 [↑](#footnote-ref-4)
5. HiiL. Assessment of Access to Justice in Fiji (DRAFT). 2018 at 10. The Acting Director of LAC advised that support continued to grow through the MTE period, and noted that discrepancies between male / female support levels that have been reported in the Assessment of Access to Justice (pp 11 citing Balancing the Scales) were due to unreported numbers of cases “briefed out” to private firms if one partner in a dispute was already represented by the LAC. Interview Acting Director, LAC. 23 April 2019. [↑](#footnote-ref-5)
6. Id. at 22 reporting 2517 applications in 2017 and 4618 applications in 2018. [↑](#footnote-ref-6)
7. Id. at 17. [↑](#footnote-ref-7)
8. Interview Acting Director, LAC. 23 April 2019. [↑](#footnote-ref-8)
9. Interview Country Director, MSP. 29 April 2019. [↑](#footnote-ref-9)
10. EU. Results Oriented Monitoring Report (ROM): Fiji Access to Justice Integrated Technical Assistance Programme. January 2019 (DRAFT). (Results Oriented Monitoring Report). [↑](#footnote-ref-10)
11. During the 7 May 2019 Outbrief, a question was raised regarding gaps in attention to CSOs; the Financing Agreement establishes Component II Result 3 to focus on the development of accompaniment services by CSOs in cooperation with LAC. However, on page 10 of the Financing Agreement, the drafters also note that specific targets relating to NGOs “will be set annually and monitored by the Steering Committee”. The lack of annual reviews of targets appears to therefore be the cause of gaps from both the perspective of the Financing Agreement and the Project Document. [↑](#footnote-ref-11)
12. The World Bank (WB) reports that the basic needs poverty line for Fiji is USD 3.10 per day (approximately FJD 6.73 / day, or FJD 2,456 / year), which is far below the LAC means test limit of FJD 15,000. Using 2008/09 data, the WB estimated that urban poverty in Fiji had dropped to around 26%, but rural poverty remained at 44% and rates for urban squatter settlements were a primary reason for limited progress against some poverty indicators. The World Bank. Country Engagement Note for the Republic of Fiji for the Period FY 2015-2017. 4 February 2015. [↑](#footnote-ref-12)
13. Noting that FA2J duty bearer partners have endorsed a Government of Fiji protocol relating to GBV that can provide a basis for discussions on gender-related aspects of materials and a framework to guide the development of materials for people with disabilities. Ministry of Women, Children & Poverty Alleviation. Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence. February 2018. (Supported by UN Women). [↑](#footnote-ref-13)
14. Interview Asst Commissioner of Police, 30 April 2019; Interview DPP, 3 May 2019. [↑](#footnote-ref-14)
15. Papua New Guinea, for example, has had some positive results with its Law and Justice Sector National Coordinating Mechanism, which has extensive support from the Government of Australia but faces challenges. See <https://dfat.gov.au/about-us/publications/Documents/png-law-and-justice-jss4d-design.pdf>. [↑](#footnote-ref-15)
16. Balancing the Scales (Full Digital Report) at 26. [↑](#footnote-ref-16)
17. UNEG Ethical Guidelines for Evaluation, March 2008; UNEG Norms and Standards for Evaluation, 2016. [↑](#footnote-ref-17)
18. Terms of Reference, Mid Term Evaluation for UNDP Pacific Fiji Access to Justice Project. Attached as Annex 1. [↑](#footnote-ref-18)
19. Italics are used where language in the original TOR has been modified through discussions during the preparation of the Inception Report. [↑](#footnote-ref-19)
20. In sum, participants of the outbrief meeting requested that consideration be given to: 1) reviewing possible discrepancies between the Financing Agreement, FED/2015/038-757, and the UNDP Fiji Access to Justice Project Document, Project Number 00092247; and 2) consider the implication of the review on planned inputs for 2019. [↑](#footnote-ref-20)
21. Options for addressing this confusion were discussed at the 7 May 2019 Outbrief and are included in Chapter 5: Conclusions and Recommendations. [↑](#footnote-ref-21)
22. Theory of Change Attached as Annex 3. [↑](#footnote-ref-22)
23. Annex 2. [↑](#footnote-ref-23)
24. Annex 5. [↑](#footnote-ref-24)
25. Description of the Action of the project “Fiji Access to Justice Project”, FED/2016/ 378-171.(Description of the Action) [↑](#footnote-ref-25)
26. In October 2007, the EU suspended engagement with Fiji in line with provisions of the Cotonou Agreement. <https://ec.europa.eu/europeaid/countries/fiji_en> [↑](#footnote-ref-26)
27. Financing Agreement between the European Union and the Republic of Fiji, FED/2015/038-757. [↑](#footnote-ref-27)
28. Description of the Action at 16. [↑](#footnote-ref-28)
29. Description of the Action at 16-17. [↑](#footnote-ref-29)
30. FA2J Project Document at 12. [↑](#footnote-ref-30)
31. Data provided by Legal Aid Commission, 20 May 2019. First Hour background provided by FPF, noting that First Hour support grew out of collaboration between justice sector actors led by the Chief Justice of Fiji following the Universal Periodic Review in 2015; First Hour measures include immediate access to legal advice for detainees and video recording of statements given to police. As of the MTE, the initiative has been piloted in two Suva police stations and is receiving sustained government support through institutional budgets. Interview Assist. Commissioner, FPF, 30 April 2019 [↑](#footnote-ref-31)
32. HiiL. Assessment of Access to Justice in Fiji (DRAFT). 2018 at 10. The Acting Director of LAC advised that support continued to grow through the MTE period, and noted that discrepancies between male / female support levels that have been reported in the Assessment of Access to Justice (pp 11 citing Balancing the Scales) were due to unreported numbers of cases “briefed out” to private firms if one partner in a dispute was already represented by the LAC. Interview Acting Director, LAC. 23 April 2019. [↑](#footnote-ref-32)
33. Fiji Bureau of Statistics. <https://www.statsfiji.gov.fj/statistics/other-statistics/crimes-offences> [↑](#footnote-ref-33)
34. FWRM. Balancing the Scales of Justice – Court Annex. 2017 at 24. [↑](#footnote-ref-34)
35. Id. at 22 reporting 2517 applications in 2017 and 4618 applications in 2018. [↑](#footnote-ref-35)
36. Id. at 17. [↑](#footnote-ref-36)
37. Interview Acting Director, LAC. 23 April 2019. [↑](#footnote-ref-37)
38. See United States Department of State, 2012 Country Reports on Human Rights Practices - Fiji, 19 April 2013. [↑](#footnote-ref-38)
39. Republic of Fiji, Ministry of Economy. 5-Year & 20-Year National Development Plan: Transforming Fiji. November 2017. (NDP). [↑](#footnote-ref-39)
40. NDP Forward. [↑](#footnote-ref-40)
41. NDP at 61. [↑](#footnote-ref-41)
42. HiiL. Assessment of Access to Justice in Fiji (Draft) at 12. (A2J Assessment). [↑](#footnote-ref-42)
43. NDP at 66. [↑](#footnote-ref-43)
44. NDP at 5. [↑](#footnote-ref-44)
45. Interview President, FDPF. 6 May 2019 noting specifically changes to government policy relating to access to financial support. [↑](#footnote-ref-45)
46. <http://asiapacific.unwomen.org/en/countries/fiji/co/fiji> [↑](#footnote-ref-46)
47. This document was successfully updated in 2018 and has eleven signatories from government and civil society, including the LAC, Judicial Department, MSP, and Empower Pacific. [↑](#footnote-ref-47)
48. <https://www.unicef.org/eap/press-releases/unicef-and-fiji-judiciary-partner-protect-children-contact-law> [↑](#footnote-ref-48)
49. Interview Country Director, MSP, 29 April 2019. [↑](#footnote-ref-49)
50. <http://msp.org.fj/director/> [↑](#footnote-ref-50)
51. Interview Director, FWRM. 9 May 2019. [↑](#footnote-ref-51)
52. Interview CEO and staff, Empower Pacific. 25 April 2019. [↑](#footnote-ref-52)
53. <http://empowerpacific.com/about-empower-pacific> [↑](#footnote-ref-53)
54. Interview President, FDPF. 6 May 2019. [↑](#footnote-ref-54)
55. Id. [↑](#footnote-ref-55)
56. Interview Director, FWRM. 9 May 2019 (by telephone). [↑](#footnote-ref-56)
57. Interview President, FDPF. 6 May 2019. [↑](#footnote-ref-57)
58. Id. [↑](#footnote-ref-58)
59. Interview Director, FWRM. 9 May 2019. [↑](#footnote-ref-59)
60. Acting Director of LAC E-Mail, 4 May 2019. [↑](#footnote-ref-60)
61. Government partners report that Government of Fiji public financial management systems require internal reports and annual budget submissions, with quarterly updates and requests for budget disbursements; these important internal documents are up to date, however they are not available for public review. Each data call to an institution currently requires the allocation of staff time to update and review data, which contributes to frustration within government partners that have heavy workloads and externally with partners seeking access to data. [↑](#footnote-ref-61)
62. ROM at 6. [↑](#footnote-ref-62)
63. Interview EU Delegation, 24 April 2019 noting that some issues had escalated to larger problems before the EU was notified of them. [↑](#footnote-ref-63)
64. Financing Agreement at 8. [↑](#footnote-ref-64)
65. Description of Action at 16. [↑](#footnote-ref-65)
66. Interview EU Delegation, 24 April 2019; Interview Acting Director LAC, 24 April 2019. [↑](#footnote-ref-66)
67. Interviews with PM and A2J Advisor UNDP, \_23 April 2019. [↑](#footnote-ref-67)
68. Eg, Interview with UN Women, 3 May 2019, noting previous experience with a four year long effort to establish a case management system. Also note that the establishment of a case management system has been part of the Judicial Department’s Corporate Plan since at least 2014. Judicial Department. 2014 Annual Corporate Plan: For the Financial Year Ending 31st December 2014. This is the only corporate plan available on the Judicial Department web site. [↑](#footnote-ref-68)
69. Interview with PM and A2J Advisor UNDP, 24 April 2019; Interview with Chief Justice and CR Judicial Department, 1 May 2019. [↑](#footnote-ref-69)
70. Adam Liptak, “Accused of ‘Terrorism’ for Putting Legal Materials On-Line,” NY Times. May 13, 2019. <https://www.nytimes.com/2019/05/13/us/politics/georgia-official-code-copyright.html> [↑](#footnote-ref-70)
71. ROM at 7. [↑](#footnote-ref-71)
72. See ROM at 6. Note that budget reviews did not raise any concerns about whether staff costs were misallocated. [↑](#footnote-ref-72)
73. Interview Governance Coordinator UNDP, 30 April 2019. [↑](#footnote-ref-73)
74. Interview FA2J PM UNDP, 24 April 2019. [↑](#footnote-ref-74)
75. Interview EU Delegation, 24 April 2019. [↑](#footnote-ref-75)
76. ROM at 5. [↑](#footnote-ref-76)
77. UNDP Internal Report. 2018 Budget vs Actual. April 2019. [↑](#footnote-ref-77)
78. Interview OIC LAC North, 26 April 2019. [↑](#footnote-ref-78)
79. Interview Asst Commissioner of Police, 30 April 2019. [↑](#footnote-ref-79)
80. Interview EU Delegation, \_24 April, 2019; Interview Acting Director LAC, 24 April 2019. [↑](#footnote-ref-80)
81. Interview Asst Commissioner of Police, 30 April 2019. [↑](#footnote-ref-81)
82. Interview President, FDPF. 3 May 2019. [↑](#footnote-ref-82)
83. Interview Director, FWRM. 9 May 2019. [↑](#footnote-ref-83)
84. Interview Director FWRM, 9 May 2019. [↑](#footnote-ref-84)
85. United Nations Pacific Strategy 2018-2022: A Multi-Country Sustainable Development Framework in the Pacific Region. [↑](#footnote-ref-85)
86. Interview UN Women, 3 May 2019. [↑](#footnote-ref-86)
87. UNDP. Description of Action: Fiji Access to Justice Project. FED/2016/378-171 [↑](#footnote-ref-87)
88. Financing Agreement at 2. [↑](#footnote-ref-88)
89. Interview Director FWRM, 9 May 2019; Interview UN Women, 3 May 2019. [↑](#footnote-ref-89)
90. UNDP. Description of Action: Fiji Access to Justice Project. FED/2016/378-171 [↑](#footnote-ref-90)
91. Interview Country Director, MSP. 29 April 2019. [↑](#footnote-ref-91)
92. EU. Results Oriented Monitoring Report (ROM): Fiji Access to Justice Integrated Technical Assistance Programme. January 2019 (DRAFT). (Results Oriented Monitoring Report). [↑](#footnote-ref-92)
93. During the 7 May 2019 Outbrief, a question was raised regarding gaps in attention to CSOs; the Financing Agreement establishes Component II Result 3 to focus on the development of accompaniment services by CSOs in cooperation with LAC. However, on page 10 of the Financing Agreement, the drafters also note that specific targets relating to NGOs “will be set annually and monitored by the Steering Committee”. The lack of annual reviews of targets appears to therefore be the cause of gaps from both the perspective of the Financing Agreement and the Project Document. [↑](#footnote-ref-93)
94. The World Bank (WB) reports that the basic needs poverty line for Fiji is USD 3.10 per day (approximately FJD 6.73 / day, or FJD 2,456 / year), which is far below the LAC means test limit of FJD 15,000. Using 2008/09 data, the WB estimated that urban poverty in Fiji had dropped to around 26%, but rural poverty remained at 44% and rates for urban squatter settlements were a primary reason for limited progress against some poverty indicators. The World Bank. Country Engagement Note for the Republic of Fiji for the Period FY 2015-2017. 4 February 2015. [↑](#footnote-ref-94)
95. Noting that FA2J duty bearer partners have endorsed a Government of Fiji protocol relating to GBV that can provide a basis for discussions on gender-related aspects of materials and a framework to guide the development of materials for people with disabilities. Ministry of Women, Children & Poverty Alleviation. Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence. February 2018. (Supported by UN Women). [↑](#footnote-ref-95)
96. Interview Asst Commissioner of Police, 30 April 2019; Interview DPP, 3 May 2019. [↑](#footnote-ref-96)
97. Papua New Guinea, for example, has had some positive results with its Law and Justice Sector National Coordinating Mechanism, which has extensive support from the Government of Australia but faces challenges. See <https://dfat.gov.au/about-us/publications/Documents/png-law-and-justice-jss4d-design.pdf>. [↑](#footnote-ref-97)
98. Balancing the Scales (Full Digital Report) at 26. [↑](#footnote-ref-98)